THE

PARLIAMENTARY DEBATES,

New Series,

VOL. XII.

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THE

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DEBATES:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND,
FROM THE EARLIEST PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

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COMMENCING WITH THE ACCESSION OF GEORGE IV.

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TO
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1825.

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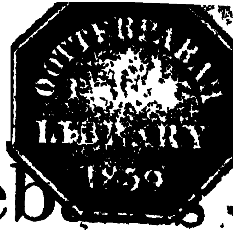
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PARLIAMENTARY DEBATES.



THE Parliamentary Debates

During the Sixth Session of the Seventh Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Third Day of February 1825, in the Sixth Year of the Reign of His Majesty King GEORGE the Fourth.

HOUSE OF LORDS.

Thursday, February 3, 1825.

THE KING'S SPEECH ON OPENING THE SESSION.] This day the Session was opened by Commission. The Lords Commissioners were, Lord Chancellor Eldon, the archbishop of Canterbury, and the earls of Westmorland, Harrowby, and Shaftsbury. The usher of the black rod having been ordered to require the attendance of the House of Commons, he withdrew. In a few minutes after, the Speaker, accompanied by a considerable number of the members, having appeared at the bar, the lord chancellor opened the Session with the following Speech to both Houses:—

"My Lords and Gentlemen;

"We are commanded by His Majesty to express to you the gratification which His Majesty derives from the continuance and progressive increase of that public prosperity upon which his Majesty congratulated you at the opening of the last session of parliament.

"There never was a period in the history of this country, when all the great interests of the nation were at the same time in so thriving a condition, or when a feeling of content and satisfaction was more widely diffused through all classes of the British people.

"It is no small addition to the gratification of his Majesty, that Ireland is participating in the general prosperity. The outrages, for the suppression of which extraordinary powers were confided to his Majesty, have so far ceased, as to warrant the suspension of the exercise of those powers in most of the districts heretofore disturbed.

"Industry and commercial enterprise are extending themselves in that part of the United Kingdom. It is, therefore, the more to be regretted, that associations should exist in Ireland, which have adopted proceedings irreconcileable *with the* spirit of the Constitution, and calculated, by exciting alarm, and by exasperating animosities, to endanger the peace of society, and to retard the course of national improvement.

"His Majesty relies upon your wisdom to consider, without delay, the means of applying a remedy to this evil.

"His Majesty further recommends the renewal of the inquiries instituted last session into the state of Ireland.

"His Majesty has seen with regret the interruption of tranquillity in India, by the unprovoked aggression and extravagant pretensions of the Burmese Government, which rendered hostile operations against that state unavoidable.

"It is, however, satisfactory to find, that none of the other native powers have manifested any unfriendly disposition, and that the bravery and conduct displayed by the forces already employed against the enemy, afford the most favourable

prospect of a successful termination of the contest.

"Gentlemen of the House of Commons;

"His Majesty has directed us to inform you that the Estimates of the year will be forthwith laid before you.

"The state of India, and circumstances connected with other parts of his Majesty's foreign possessions, will render some augmentation in his military establishments indispensable.

"His majesty has, however, the sincere gratification of believing, that, notwithstanding the increase of expense arising out of this augmentation, such is the flourishing condition, and progressive improvement of the revenue, that it will still be in your power, without affecting public credit, to give additional facilities to the national industry, and to make a further reduction in the burthens of his people.

"My Lords and Gentlemen;

"His Majesty commands us to inform you, that his Majesty continues to receive from his Allies, and generally from all Princes and States, assurances of their unabated desire to maintain and cultivate the relations of peace with his Majesty, and with each other; and that it is his Majesty's constant endeavour to preserve the general tranquillity.

"The negotiations which have been so long carried on through his Majesty's Ambassador at Constantinople, between the Emperor of Russia and the Ottoman Porte, have been brought to an amicable issue.

"His Majesty has directed to be laid before you, copies of arrangements which have been entered into with the kingdoms of Denmark and Hanover, for improving the commercial intercourse between those States and the United kingdom.

"A treaty, having for its object the more effectual suppression of the slave-trade, has been concluded between his Majesty and the king of Sweden, a copy of which treaty (as soon as the ratifications thereof shall have been exchanged) his Majesty has directed to be laid before you.

"Some difficulties have arisen with respect to the ratification of the treaty for the same object which was negociated last year between his Majesty and the United States of America.

"These difficulties, however, his Majesty trusts, will not finally impede the conclusion of so beneficial an arrangement.

"In conformity with the declarations which have been repeatedly made by his Majesty, his Majesty has taken measures for confirming by treaties the commercial relations already subsisting between this kingdom, and those countries of America which appear to have established their separation from Spain.

"So soon as these treaties shall be completed, his Majesty will direct copies of them to be laid before you.

"His Majesty commands us not to conclude without congratulating you upon the continued improvement in the state of the agricultural interest, the solid foundation of our national prosperity; nor without informing you, that evident advantage has been derived from the relief which you have recently given to commerce by the removal of inconvenient restrictions.

"His Majesty recommends to you to persevere (as circumstances may allow) in the removal of similar restrictions; and his Majesty directs us to assure you, that you may rely upon his Majesty's cordial co-operation in fostering and extending that commerce, which, whilst it is, under the blessing of Providence, a main source of strength and power to this country, contributes in no less a degree to the happiness and civilization of mankind."

The Commons then withdrew. After which, the Speech being again read by the Lord Chancellor, and also by the Clerk at the Table,

Viscount *Dudley and Ward* observed, that in rising to move an humble Address to his Majesty, in answer to his gracious Speech, he trusted that any apology was rendered less necessary by the advantageous circumstances under which he

had undertaken this task. For a long period those who stood in his situation had to ask their lordships to support the Crown in an anxious, doubtful, and protracted struggle, and in which success itself was purchased by severe sacrifices; and sometimes even to apologise for measures which, until the causes of them were fully understood, were of a nature not only to make us despond of the event of the war, but even to shake the public confidence in the wisdom of those by whom it was conducted. At a later period, and after a series of astonishing successes terminated in a triumphant peace, it was their equally difficult and still more irksome task, to entreat their lordships to set an example of patience under those embarrassments, agricultural and commercial, in which they so largely shared; and which, from whatever cause they flowed, so long obstructed the benefits of restored tranquillity, and were the more severely felt, because it was impossible to foresee them in their full extent and duration. These were tasks which required both confidence and ability. He had no such sacrifices to ask; no such hard lessons to teach. After more than thirty years of effort and endurance, it was his good fortune to ask their lordships to carry to the foot of the Throne their unmixed, and, he hoped, their unanimous congratulation, upon a state of prosperity, such as he believed was unequalled in this country, and had never been surpassed in any country and in any age. Peace, indeed, had crowned England with glory, and secured to her the highest place among the nations of the world; but still there remained that long period of exhaustion and derangement; and it was only now that, refreshed as it were from the toils of victory, she enjoyed the full reward of all she had acted, and of all she had suffered. His majesty's government, his parliament, and his people, now reaped, in honour and in repose, all that they had sown in courage, in constancy, and in wisdom. If there were any persons—and probably there were many—among those who surrounded him, whose attention, like his own, had at an early period of life been first awakened by the storm of the French Revolution; who had afterwards watched with anxiety that great struggle, which we so long maintained with all Europe, under the dominion, and impelled by the genius of a warrior and statesman, who had since shared in those sufferings which long clouded the triumph of a victorious nation; he must look at our present situation with delight and amazement. Still more striking must be the contrast to those, still livelier must be their satisfaction, themselves the actors in this great scene, who, having guided our civil and military affairs, and been answerable for measures of a high and intrepid policy in these times of trial, had contributed to this result by their counsels and by their arms. And all this had been accomplished with unbroken faith and with unaltered institutions; or, if any deviation from our free constitution had been forced upon us by the union of foreign and domestic danger, still, as soon as that pressure was withdrawn, it returned with elastic power to its better form, and we enjoyed under it all the happiness and all the liberty that was ever possessed by our forefathers. This was a prosperity extending to all orders, all professions, and all districts, enhanced and invigorated by the flourishing state of all those arts which ministered to human comfort, and by those inventions by which man seemed to have obtained a mastery over nature by the application of her own powers; and which, if any one had ventured to foretel only a few years ago, would have appeared altogether incredible, but which, now realized, though not yet perfected, presented to us fresh prospects, and a more astonishing career. That world, too, which had first been opened to us by the genius of a great man, but afterwards closed for centuries by a barbarous and absurd policy, was, as it were, re-discovered in our days. The last remnant of that veil which concealed it from the observation and intercourse of mankind had just been torn away; and we saw it abounding, not only in those metals which first allured the avarice of greedy adventurers, but in those more precious productions which sustain life and animate industry, and cheering the mind of the philosopher and the statesman with boundless possibilities of reciprocal advantage in civilisation and in commerce. He remembered that a great historian and statesman, after describing what appeared to him (and what, according to the imperfect nature of those times, undoubtedly was) a period of great prosperity, still complained, that there was wanting what he called a proper sense and acknowledgment of those blessings. That, of the want of which lord Clarendon had com-

plained, was not wanting to us: the people of England felt and acknowledged this happiness: the public contentment was upon a level with the public prosperity. There never was a time when the spirit of useful improvement, not only in the arts, but in all the details of domestic administration, whether carried on by the public, or by individuals, was so high. His majesty (said the noble viscount) has alluded with becoming satisfaction to the flourishing state of our finances. It is not necessary for me to go into any detail upon this subject—even if this were the proper place, and I were capable of doing so. The documents are in the hands of every one, and the inferences from them are such as cannot escape the most careless observer. Vast as was the debt that accumulated upon us in the last war, it has not increased in a proportion greater than the national means for discharging it. Public credit is as high as it was in the year 1792; capital is more abundant; and we walk as lightly under our present burthens, as we did under a fifth part of it at that celebrated era of financial prosperity. But this prosperity is not singular; and I am told there are countries in which the public revenue bears a greater proportion to the public debt than our own, and whose financial situation may, on that account, be considered as more brilliant. But, my lords, there is this difference in our favour, which amply consoles me under that superiority. Our faith has been inviolate from the beginning to the end. With us there has been no cruel sacrifice of the weak to the strong—of the helpless minority to what may be considered as the over-ruling interests of the community. With us there is no class of unfortunate persons mourning in neglected wretchedness the contrast of their own ruin with the public prosperity that has been founded upon it. In a war undertaken, I will not say upon disinterested motives, but upon the noblest and most extensive views of self-interest, as comprehending the independence of other nations, we raised our debt to eight hundred millions, and never, thanks to the foresight and integrity of the councils by which we were guided! did we shrink from the acknowledgment of it; and the only criticism now to be made upon our financial system is, that we have, in fact, acknowledged a greater debt than we incurred, and are actually over-paying the creditors of this enormous sum.—The noble viscount said, he fully concurred in the latter part of the Speech from the Throne, which alluded to the benefits which had arisen from the removal of commercial restrictions, and recommended that the principle should be persevered in. In every case in which the principle had been acted upon, the effects had been highly beneficial. He should mention only one instance, which he was more disposed to notice as it had its origin in that House—he alluded to the bill for the removal of the restrictions on the silk trade. Their lordships must recollect well how numerous and weighty were the complaints which were made when that bill was brought forward; but, so far from the trade having decayed, as had been anticipated, it had flourished since that period more rapidly than before, and had since extended almost as fast as the manufacture of cotton had done. We no longer dreaded the rivalry of the foreigner in our market, and were able to contend with him in the markets of the continent. We were now fully taught, that the great commercial prosperity of England had not arisen from our commercial restrictions, but had grown up in spite of them.—His majesty (continued the noble viscount) has recommended to your lordships' attention the state of Ireland, not indeed as a distressed, but as a divided country; for Ireland, hardly in a less degree than the rest of the empire, partakes in the general prosperity. It has increased in wealth and in industry; some benefit is already perceptible from the care that has been taken to diffuse over it the advantages of education; and in spite of religious differences, that savage turbulence which used to disgrace the country has given way to the progress of law and order. We may even flatter ourselves that the people of that country are gradually becoming more sensible to the benign and friendly spirit of the government under which they are placed. It has been too much the fashion to speak of Ireland as of an ill-used country. Now, if that be meant of old times, it is undoubtedly true; but as we approach to our own days it becomes more and more exaggerated, and at last an entire false statement of the fact. True it is, that in former times England governed Ireland as one barbarous country governs another, still inferior to it in civilisation and in strength. It is equally true, that for some years after the Revolution, and whilst success was

still doubtful betwixt the parties, Whig and Protestant England did not behave with entire moderation and forbearance towards Popish and Jacobite Ireland; but this harshness ceased with the contest that gave it birth; and whatever may be said of the period before the Union, certain it is, that, since that event, Ireland has attracted the constant attention of parliament, and that every institution has been cherished, that every object has been promoted, that could advance its interest or gratify its just pride. Ireland has been treated not merely with justice, but with indulgence, partiality, and favour, as if we were sensible that a long arrear of kindness was due to her from days of dissention and disaster. But then comes the Catholic question, which may probably be considered as an exception to this rule. On an occasion of this sort, I am naturally desirous to avoid controverted topics; and yet Ireland enters for so much in the state of the empire, and the Catholic question enters for so much in the state of Ireland, that I cannot help declaring my opinion upon a subject that so much divides your lordships, though I have the misfortune to differ from the majority of those whom I address. My lords, I have always thought, and I still think, that the fixed and tranquil settlement of Ireland depends upon this great concession being made—not that it is everything—not that it is an unmixed good—but because it is indispensable, and, I believe, sooner or later, inevitable. But I am far from agreeing with those who think that the delay of this concession is to be considered as an act of wilful injustice on those by whom it is withheld. Nor can I condemn those statesmen, who, though they think it ought to be carried, do not consider it their duty to dissolve an administration of which they form a party in order to establish another for that especial purpose. The fact is, that this is too great a change, and shocks too many inveterate habits and opinions to be carried with less delay and resistance than it has actually experienced; and the Catholics every where labour under great error, and do great injustice to their opponents, if they allow themselves to be persuaded, that in refusing to them that boon of which they are so naturally and anxiously desirous, their Protestant fellow-subjects are under the influence of a merely hostile and exclusive spirit. It is from no such base and cruel motive, but because they are guided by sentiments and opinions which belonged to other times, and which have not very long ceased to be correct; and because they entertain what I believe to be an ill-founded, but what I am sure is a sincere, alarm for their church and religion—things dear to them on their own account, and doubly dear because their final establishment was connected and coeval with that of our civil liberties. The Catholics are suffering, unjustly if you please, but naturally, for the faults of their ancestors. If in the days of Roman Catholic persecution or Roman Catholic power, any friend to toleration had been arguing with some minister or prince of that persuasion, he would naturally have said—"Consider what may happen hereafter: you are now a majority: you now stand upon the vantage ground—but if you once lose that superiority—if ever power should pass into the hands of those heretics whom you endeavour to destroy with fire and sword—then will your pride, then will your cruelties, then will those maxims so formidable to the civil magistrate, be remembered to the disadvantage of your posterity, and to the terror of succeeding generations. What any reasonable man might have foretold is now accomplishing; men do remember these cruelties; men do remember these maxims; and the terror and aversion of them endure, when, as I trust, there is no longer any danger of their being revived and acted upon. My lords, I believe it is a prejudice that stands in the way of Catholic emancipation; but it is a natural, a warrantable prejudice, and one that can only yield to mild and gentle means. It is therefore with infinite mortification that I see so much in the language and conduct of the Roman Catholics themselves that is calculated to keep alive the remembrance of old times—to fix upon their church the charge of being semper eadem in its most odious sense—and to strengthen the arguments and embitter the feelings of those who are determined, at all hazards, to resist their claims. Their language has become menacing, and their conduct treads upon the utmost verge of the law; provoking the hostility of their enemies, and terrifying their friends. And yet they do well to remember, that the body by which they are opposed—though I trust it is to be softened and convinced—is not to be intimidated; and that if (a thing which I mention only to deprecate) the contest were ever to be carried on by

other weapons than those of reason and argument, that in the dreadful calamity that would involve our common country, they would bear the greatest share. There is only one way in which this measure can be beneficially accomplished—only one way in which I desire to see it brought about—and that is, by the well-earned and cordial consent of the Protestants of this empire. Any thing like menace or hostility—any attempt to set up a state within a state—to establish a separate revenue and independent resources—only serves to delay the event to an indefinite period. It tends to bring the whole question to the calamitous issue—who is the strongest? Now, my lords, the Protestant interest of Ireland, though less numerically than the Catholics, is infinitely superior in wealth, power, and intelligence. It may however, be said, that they would perhaps be aided by foreign arms, as they had formerly been, and with such aid I admit it is possible the Catholics might prevail against an undoubted superiority of domestic force in Ireland; but it is not likely that they could also prevail against the power of this country; and if they did, what would the consequences be? What they desire, naturally and reasonably as I think, is admission into the state—participation of privilege—an equality of civil rights. And what would they then attain? They would enter by violence into a broken and dismembered state: they would participate in half-extinguished liberty and anxious independence, and be admitted to a complete equality of wretchedness and degradation under a foreign yoke. It is better to wait for a share in a prosperous, rather than triumph in rebellion and treason over a ruined, country. From small beginnings they had once acquired, by moderation and perseverance, almost an equality of votes in their favour in both houses of parliament; and though I am inclined to believe that in this instance parliament had outrun the sense of the country, yet the omen was favorable; and I have no doubt but that, in a short time, the public would have followed its natural guides. What effect ought to be produced by what is now going on, I can hardly venture to say; but what effect will be produced, I well know. They have already lost all those that wavered; and they may ere long shake those that are still firm. It is only by reverting to another line of conduct, that they can justify the cordial co-operation of their friends, or conciliate opponents, too strong to be overcome except by the entire subversion of the state itself. They should keep in mind that this is no country for rapid changes—that even our liberties were of slow growth. If they will but compare their own condition with what it was forty years ago, they will see ample reason to be content with the past, and sanguine as to the future. There are now living—perhaps there are present—persons who had grown up to manhood before their claims in their actual extent had ever been heard of, and before any statesman would have ventured to espouse them had they been advanced. Yet, my lords, much as I disapprove of their conduct, still I would entreat your lordships not to be diverted by a just indignation at these extravagant proceedings, from the true and permanent state of the question. You will probably feel it to be your duty to concur in some measure to curb this licentious spirit; but that done, I would entreat you to consider anxiously, whether the state of the Catholics be one that can continue; I do not mean for one year, or for two, during the lieutenantcy of this noble lord, or during the administration of the other; but whether our policy is sound and consistent; and whether, if the admission of the Catholics to the stations from which they are still excluded, be an evil, it is not a less evil than their discontent in good times, and their possible disaffection in bad ones.—The noble viscount then adverted to that part of his majesty's Speech which relates to foreign relations. He was happy, he said, to find it stated, that his majesty continued to receive the strongest assurances, not only from his allies, but generally from all the governments of Europe of their amicable and friendly dispositions. This general peace rested on the secure foundation of strength united with moderation. The only contest which existed in Europe was, not between governments, but parties. There were two great parties—one desiring to restore the ancient order of things, and the other constantly striving after some new order. That party which wished to restore the ancient order of things, were not contented with that order which existed before the revolution, but they wanted something more despotic; such as had been adopted by mankind in an uncivilized age. This party did not like our constitution. They were vexed with

it, and naturally looked on our national institutions as a pregnant and dangerous source of principles which they always dreaded, and wished to repress. The other party were desirous of destroying every thing which existed, and the only remedy they could find for all the evils of mankind, was the sweeping away all the institutions which had long been held in veneration. They were, while they boasted of their attachment to freedom, extremely narrow and illiberal; and however they might differ among themselves, they were all actuated by a bitter hatred towards this country. They were not sincere in their love of liberty, of which they talked so much, for they had crouched down before Buonaparte, had worshipped him, and had endeavoured to reduce England to an imperial province. They were the enemies of all the principles of national liberty or national independence; and the institutions of this country they above all things abhorred. They resembled their predecessors, the Jacobins, but with less sincerity. These men were, indeed, worse than Jacobins. When they were subdued by their opponents, they called out loudly for liberty, by which they only meant power. They now complained, that this country did not do that which would prove its injury, if not its destruction. They threatened, and would willingly carry their threats into execution; but they knew that we possessed ample means of resisting aggression. England had, for a considerable time, been connected with the great powers of the continent for various purposes, one of which was, to resist the overwhelming power of France; but now that a regular order of things was established, it was our duty to consider our true interests, and not to lend ourselves to any party in France, or any where else, whether its object was, to establish despotism, or to resist all law and regular government.—In alluding to the South American states, the noble viscount observed, that an attempt had been made to institute a comparison between our conduct to Spain in the present instance, and that of the allies to us during the contest with our North American colonies. Now, nothing could be more unjust, in point of fact and reasoning, than that comparison. The French ultras complained, that we had not acted towards Spain with the same forbearance which was formerly shown to us. We have acted towards Spain with all the good faith that was due to a friend and ally, and with all the delicacy that was due to a friend and ally in distress. We have disdained to run a race of popularity with other nations, in order to secure to ourselves any exclusive advantage; and we refrained from this step, as long as any hope of accommodation betwixt the parties remained. But, when that hope had completely vanished, it would have been absurd to risk the advantage of an extended intercourse with that vast continent, either out of tenderness to the prejudices of an obstinate and misguided people, who seem to unite the most invincible pertinacity as to ends with the most supine negligence and incapacity as to the means, or out of respect to the high political notions of other European cabinets. I do not understand that we take this step from preference to any political creed, or as a mark of approbation to any particular form of government. The colonies are republican. They *might* have been monarchical—they might have been aristocratical—they might have been imperial, like the Brazils. With that we have nothing to do. But we find them independent. We know by experience that they are all able and willing to maintain what are called the accustomed relations of amity with foreign powers, and we acknowledge them to be so. Indeed, my lords, if we were challenged to go critically into the matter, it might be easily maintained, that the independence of Old Spain is much more questionable than that of her colonies; and that if we were in want of a minister to go to Mexico, one might be spared from Madrid. In Mexico the domestic government is sustained by a domestic force: no man dare hold up his finger against it; if he does, he mounts the scaffold next day. But Spain is garrisoned by 20,000 Frenchmen, who now protect the government, but who may oppress it or supersede it, if they please; and who may march, as they have marched, without resistance, from the foot of the Pyrenees to the rock of Gibraltar. A comparison has been drawn, I must say absurdly, between the situation of Spain and her colonies, and the situation of this country and our colonies, during the American war. I will not enter into the question of that war, I will not say whether the conduct of this country was right or wrong; but at least we had fleets and armies to support our pretensions. We had a powerful king, and that king

had a people. But Spain claims dominion over colonies situated in a distant country, having no force in them, and without a ship to send to sea, or a regiment to embark, with a tottering throne bolstered up by an army of foreigners, detested by all people, and without either funds or credit. We may be blamed for not taking this step earlier, but we cannot be censured for taking it now. We have proceeded with caution and delicacy, for it is a difficult question to decide, where insurrection ends, and legal government begins. His majesty's government have proceeded slowly, prudently, and justly. They have not pretended to determine where allegiance ought to end and lawful resistance begin; but have acted openly upon the undisputed fact of the states of South America, with which treaties have been concluded, being actually independent. We had proceeded cautiously, that we might have nothing to retract. Our intercourse has grown with their growth, and strengthened with their strength; and has now become complete, as their independence has become unquestionable.—The noble viscount concluded by stating, that he did not consider the other topics of the Speech from the throne to be of such importance as to render it necessary for him to detain their lordships by any observations upon them.

Lord *Gort* said, that in seconding the address, he felt that few observations would be expected from him, after the able manner in which it was introduced by his noble friend. He would therefore confine himself to the expression of his opinions on that part of the royal speech which referred to the state of Ireland. It gave him pain to observe some of the proceedings of the Catholic body in that part of the empire. The noble marquis at the head of the Irish government had conducted his administration in a temperate, wise, and impartial manner, so as to gain the confidence, and merit the approbation, of every moderate and unbiassed mind. He could not, indeed, satisfy all parties, but he satisfied all those whose wishes deserved to be consulted. On the one hand, there were the violent agitators of the Catholics, who wished to turn the discontent which they created to their own advantage: and on the other, were the no less violent opponents of their claims. Lord Wellesley, in conducting his government on reasonable principles, and in a temperate manner, had shown that he consulted the interests of the country, while he carried into effect the prejudices of neither. He needed not to remind their lordships of past times, when the Irish administration was in different circumstances—when agitation was kept alive by acts of intemperate violence—and when scarcely a day passed without witnessing some outrage. The government of lord Wellesley furnished a striking contrast to this order of things. By his judicious measures, the turbulent had been restrained, the deluded brought back to their duty, and the peace of the country restored and maintained. The constabulary force had been put in full action—confidence had been re-established—agriculture was improving—the value of land had been raised—and commercial and industrious establishments were forming. So much good had resulted from the wise measures of lord Wellesley's government, that he hoped soon to be able to congratulate their lordships on the growing prosperity of Ireland. But, while this was the situation of affairs on one hand, he could not, on the other, omit bringing under the notice of the House the conduct and the pretensions of the Catholic Association. That body had assumed the rights, and exercised the powers of a parliament. It imposed taxes, issued proclamations, and made laws for the Catholic community. Its professed object was Catholic emancipation, but its real tendency was, to overthrow the constitution. He should have an opportunity hereafter, of offering his opinion on the Catholic question, when it was brought distinctly before the House. Under that persuasion he would abstain at present from entering into the subject; but thus much he would say, that, if he was the worst enemy of the Catholics, he could not advise them to a course more destructive of their interests, or the purpose they had in view, than that which they were now taking. No man could hear of their proceedings, without feeling that they were acting in direct hostility to their own success. They indulged in the most inflammatory speeches; they told the people that they were slaves, and that the Protestants held them in bondage. Was this a language calculated to advance their claims? There were, as matters now stood, two parliaments in this empire; there was the Catholic parliament of Ireland, and the Protestant parliament of England. The two parliaments could not exist together. He therefore agreed fully in that part of his majesty's

speech, which alluded to the putting down of this association. The collectors of the Catholic rent, and the debaters by whom it was promoted, affected to issue proclamations, with a view to tranquillise the people. It would be recollected, however, that the people were tranquillized before by the active measures of lord Wellesley's government. The claim of those partisans to the credit of tranquillizing Ireland was therefore absurd. He did not mean to insinuate that any of the leaders of the Catholic body were capable of advising the people to resist the laws, but he would say, that the power which they now assumed was too great to be left, consistently with prudence, in the hands of the people. He did not think that any obstacle should be thrown in the way of the Catholics on coming forward to petition parliament; but, when they came to the House they should come as petitioners, not as dictators; and then he had no doubt that their prayers would be considered with all the patience which their importance demanded; they should bear in their hands the olive branch, and not the sword.

Lord *King* said, that he perfectly approved of those measures which had for their object the promotion of the industry and commerce of the country.

The Earl of *Lauderdale* here reminded the House, that the address was not yet known to their lordships; that it had neither been read by the noble mover or seconder, nor from the woolsack, nor by the clerk; and that the debate could not formally proceed until their lordships knew on what they were debating.

A conversation here ensued, in which lord Holland, the earl of Lauderdale, the earl of Liverpool, and the lord Chancellor took part. Lord Liverpool allowed, that the forms of the House required the reading of the address, and took blame to himself for being the cause of the omission. The lord Chancellor said that he was not anxious to save his lungs, but it was his fault that the address was not read. He would, however, repair the omission and read it. The address was then read from the woolsack.

Lord *King* observed, that he agreed with the address of the noble lords, that the resources of the country had been relieved, and its industry stimulated and improved. He gave his cordial approbation to those measures by which this result had been produced. It was the more pleasing to him to state this approbation, as the commercial regulations and measures of foreign policy on which their lordships were congratulated had been pressed upon the government by himself and his friends. They had given an advice to ministers, which, though at first opposed and neglected, had at last prevailed. As ministers had thus come round to the opinions of opposition, he hoped it would not be the last time that he should have to congratulate them on their docility. He hoped that they would take advice on a very important question, the corn laws, and that ere long they would introduce consistent measures for the trade in grain. As far as the Speech from the throne was the speech of the chief magistrate of the country, he received it with all respect and honour. He admitted that the situation of England was prosperous and fortunate; but their lordships should not forget that such was not the situation of six millions of Catholics on the other side of the Irish channel, suffering under a misgovernment which was a disgrace to our age and country. The world, in general, was now too wise to allow governments to inflict penalties, or to withhold privileges, on account of differences of religious faith. States now left their subjects to adopt any creeds they chose, without depriving them of their civil rights. The English government was the only government which carried on a contest with a large portion of its empire on account of religion. Ireland and Turkey might be cited as the only countries in Europe, where whole races were oppressed and punished on account of their faith. The grand sultan had been endeavouring to make converts of the Greeks, as the government of England had been endeavouring to make converts of the Irish Catholics; but they had not succeeded. When the unhappy Greeks complained of the sufferings which they endured, and applied to be treated a little better than Mussulman dogs, the sultan sent for his grand vizier, to ask him what was to be done. This grand vizier had at first been a friend, and then an enemy of the grand sultan. He had thus lost much of the favour of his master, and therefore much of his influence. The head of the Turkish ministry then suffered himself to be bearded in his own divan, by his officers and serving-men. He was understood to be hostile to some of the claims of the Greeks. The next person in the divan, in point of influence,

was the Reis Effendi, who was friendly to the just demands of this persecuted people. This officer, it was well known, was minister for foreign affairs. His foreign policy deserved and obtained general approbation. In this part of his duties he conducted himself with remarkable liberality and talent. He had done great good, and gained considerable popularity to the government of the sultan, and would have done more had his measures not been opposed by his less enlightened colleagues. He, in fact, was the only man of real genius in the whole divan (a laugh), and was esteemed an ornament among Turkish statesmen, being gifted with poetical talents, and capable of showing "The rage of the vulture, and love of the turtle," as best suited the occasion. The Kiaya-Bey or Turkish minister of the interior was opposed to him, and was likewise an enemy of the Greeks. In his capacity of Kiaja-Bey, he was a fair minister, but was no match for the Reis Effendi. He had dismissed his predecessor as useless from the divan, and certain verses of his were remembered, in which he had held him up to ridicule in somewhat of the following manner:—

"Cheer him, cheer him, brother Hiley,
Cheer him, cheer him, brother Bragge."

The triumph of the Reis Effendi over this officer, who was an enemy of the Greeks, was complete. The capitan pacha, another member of the divan, was likewise against the Greeks, in their claims for civil privileges; but the leader of the opposition to their cause was the head mufti or chief of the Mussulman law. This officer was an enemy to all change. He had regularly opposed all improvements in trade—all improvements in law—all improvements in foreign policy. He had been, and always proclaimed himself, the greatest champion of existing abuses. He was the most consummate intriguer of the whole divan. [A laugh.] He had at one time taken up the cause of the Sultana; but he turned against her when he found that by continuing to support her he would forfeit his place in the divan. He then took up the cause of her enemies. At one time there was a proposal to admit some Greeks into the regular troops, or body of Janissaries. He then raised such a fanatical cry against this measure—very similar to the cry of "No Popery" in this country—that he turned out of the divan the members who had adopted it. He succeeded himself to office, and he no sooner got in than he agreed to the very thing against which he had clamoured. He kept the sultan's conscience and his own; but it was never remarked of him that his conscience opposed his interests. He was first employed in office by the grand vizier, "who weathered the storm." He went out after his death, but having afterwards come in again, as an enemy of the Greeks, he had ever since continued to act with some of their friends rather than again lose his office. Having minutely studied the Turkish constitution, he had found out that it was essentially Mahometan, and therefore hostile to Greek privileges. He had resolved, therefore, to continue staunch to the cause of intolerance, and was surrounded with the Mollahs, the Imans, and the Dervishes, who encouraged him in his hostile purposes. To complete the picture of this divided divan, the members who composed it had resolved, that in certain questions they should agree, and in certain questions they might continue to differ, without breaking up their union. Such was the harmonious discord of this Turkish council. Having seen the evils resulting from such divan—having seen the Mussulman empire torn by this intolerance of some members of it to their Greek brethren, and their quarrels among themselves—he would pray that this country might not be delivered up to such a divided cabinet. [A laugh.]

The Marquis of *Lansdown* said, that he would not have troubled their lordships with any observations, unless in order to express his dissent from one part of the address. With regard to most of the general topics which had been discussed that night, there could not be much diversity of opinion. The country could not fail to feel the justice of the sentiments expressed generally by his noble friend who moved the address, even though they had not been enforced with so much eloquence—an eloquence which he should always hear with pleasure, from whatever side of the House it came. He gave his hearty concurrence to all that had been said about the internal prosperity of the country, and the wisdom of its foreign policy in the recognition of the independent states of South America. As he gave his hearty approbation to this last measure, he would not stop to refer to the time or the circumstances in which it had taken place, or to decide whether it ought not to have been adopted earlier. He thought

that this country should look to the recognition of American independence as a bright object, not only on account of the commercial interests which it would promote, but of the just principles which it would establish. For the sake of no commercial object should we act upon principles contrary to what we owed to our own honour, or what was due to others. He saw no reason why this acknowledgement should not have taken place nine months ago. He was happy to see that when it did take place, it was connected with no stipulation for commercial advantages. He was likewise glad to see that it had no reference to particular forms of government—that it admitted of aristocratic, republican, or monarchical institutions. The broad principle which the recognition supported was, that every nation had a right to choose its own government, without foreign interference; and this sufficiently distinguished our policy from that of the nations of the continent. It showed that we had no community of feeling with those governments which claimed this right, and it embraced a wider space than could have been done in any particular instance, without exciting resentment, or placing our system in direct opposition to theirs. Nothing had been said by the noble mover or seconder of the address on the state of affairs in India, or the Burmese war; yet it had been said, that this war had created such an alarm, that it required an addition to our army of 10 or 15,000 men to allay. He did not know the force or the pretensions of the Burmese; but a war with so distant a power, which required so great an addition to our army in a period of otherwise general tranquillity, would, no doubt, be made the subject of a special communication to parliament. Distance should not so far diminish our interest in such a state of things, as to make us insensible to so great an increase of our establishment. Some communication, therefore, would, no doubt, appear necessary; and he would say nothing further on the subject, until it was laid before the House. With reference to that part of his Majesty's Speech which touched upon the state of Ireland, he regarded it as peculiarly deserving the attention of the House. He did not mean to enter—nor would he do so until more fully informed—into the proceedings of the Catholic Association of that country, either in the way of justification or attack; but he must caution their lordships to beware how they suffered themselves to be beguiled into an expectation, that, by merely removing the outward symptoms of the malady submitted to their treatment, they gained any thing against the cause which brought those symptoms into exhibition. In a state of irritation like that which prevailed at present—irritation arising out of the discontent of five or six millions of people, placed with respect to their law, their church, and their exclusion from political power, in a state entirely different from that of any other body equal in numbers in any country in the world—in this state of things, he conjured noble lords not to believe that, by checking the present measures of the Catholic Association, however those measures might call for check, they would cure the disease which affected the body of the Irish population. The existing symptoms might be quashed; but new troubles must and would arise, arresting the prosperity of the sister kingdom, and unnerving the vigour of our own. With this view of the difficulty to be surmounted, he should look at any specific measure which might be proposed; but he thought it fair to say, that he set out with the conviction, namely, that in any country situated as Ireland was, there must always exist a large fund of discontent ready to be drawn upon for evil purposes. Such being the case, was it not more desirable that public opinion should make its way by open channels than by secret ones—that correspondence should be carried on, and that that sort of systematic relation which would always prevail between different bodies of men labouring under similar disabilities, should circulate openly and avowedly, than that it should be conducted in darkness and concealment, working its ends unheard and unperceived, and producing mischief where it perhaps might have been harmless, had the eye of authority been able to pursue it. It was not, he repeated it, the outward and visible signs, however unfortunate they might be, that government had to dread—these signs did not embody the disease with which Ireland was afflicted. The freemasonry which government had to dread, was that which bound men to each other by a common sense of interest, which taught them to strengthen themselves by alliance, and to aid each other in evading the law. What the nature of the evils anticipated from the proceedings of the Catholic Association was, he did

not know. The noble lord who had seconded the address had adverted to the danger, but had not distinctly expressed the nature of it. When he should have full information upon this point, he should be ready to consider of any measure proposed, and to adopt such measure if the necessity for it should be shown; but still with a caution which he hoped to communicate to the House generally, not to increase the evil by checking its outward display rather than striking at the root of it; and certainly not to be too hasty in putting down the public manifestation of discontent in a country where discontent, so long as the present system lasted, must inevitably manifest itself in some shape or other.

The Earl of *Liverpool* said, that he should not have addressed any observations to the House, but for some of the statements made by the noble marquis who had just taken his seat. When a spirit of general satisfaction seemed to pervade the country, and when the noble marquis himself appeared to join in it, and admitted that it had increased in prosperity, no difference of opinion existed between them. After the eloquent description that had been given by the noble mover upon the state of the country, he should not weaken its effect by attempting to say any thing upon that subject; but he could not pass one topic relating to it upon which he peculiarly congratulated himself, and that was, that after all the difficulties which England had contended with successfully during the progress of the war, she had found that difficulties scarcely less trying remained yet to be surmounted in a state of peace. The same question which circumstances had brought into discussion frequently before, was now agitated again, and with redoubled violence. Vast numbers of persons concurred in thinking, that the country could never again return to a metallic currency, and yet keep faith with the public creditor. The House could not but fully recollect these opinions, connected as they had been with the difficulties sustained by the country in its transition from a war of twenty years' duration to a state of entire and absolute peace. Their lordships knew the clamour which had been raised—the numerous publications which had issued from the press upon this subject. In the midst of distress and difficulty, government had been called upon to reduce the burthens of the people—burthens which, indeed, pressed heavily, but which, nevertheless, at that time, it had been impossible to take off. But if the two Houses of parliament had displayed firmness in the course of th[illegible] which they had carried on against France, they had shown no less firmness in meeting the pressure consequent upon the conclusion of that struggle. Parliament had determined—and they had carried their determination into effect—to attain that, without which the prosperity of the country never could have rested upon a solid foundation: they had determined to return to a sound metallic currency; and they had accomplished this without violating a single previous engagement which they had entered into with the public creditor. The task had been a Herculean one; but we had accomplished it, and were now enjoying our reward—England had reached a state of prosperity, greater than any other country enjoyed, nay, greater than she herself, at any antecedent period, had ever attained. This, then, being the internal state of the country, government might fairly proceed to the agreeable task of removing those restrictions which, under less prosperous auspices, it would have been unsafe to meddle with. With respect to his own conduct, and the principles which he advocated, however he might have held that, up to a certain time, those restrictions ought to be maintained, parliament was bound, he thought, always to act with caution; but, the general principles of free trade he had always laid down as the great foundation of national prosperity, and as those which ought to be resorted to at the earliest moment that the situation of England would permit. With respect to the recognition of South American independence, the noble marquis who had last spoken, expressed his entire approbation of that measure. The question, in fact, had been, not whether South America should be open to the commerce of Great Britain, but whether she should be open to the intercourse of mankind at large. Important as he had always thought that question with respect to South America—important as he had considered it with reference to other political interests than those immediately developed—still he should have felt himself unworthy of the situation which he filled, if he had allowed that question, as far as his opinion was concerned, to be argued upon any narrow principle of commercial interests whatever. On a former occasion

he had stated, when the South American business was discussed, that he did not think that England, or any other country, had a right to set itself up in judgment between the mother country and the colonies. We had no right to dispute the independence; but, on the other hand, we were not entitled to assert and maintain it. The noble mover of the address had adverted to the existence of two parties in another country, one of which was disposed to bring back all abuses, the other to uphold the doctrines of insurrection and resistance to authority. It seemed to him, that in this country it was a strange arrangement of political opinion, that the very same parties frequently, who could only hear of one nation planning an invasion against another with expressions of indignation, would, where any colony rose against its parent state, express nothing but astonishment that its struggles for liberty should not be instantly assisted. Now, what he maintained was, that, except as far as was necessary to her own safety, England had no right to interfere, or to set herself up in judgment between Spain and her South American colonies. The immediate questions were several, prior to a decided recognition. Was there any dispute still pending between the colonies and the parent state? Were there any measures in progress likely to bring about a reconciliation? Was there any considerable party in the colony in arms in favour of the mother country? In either of these last cases, he should say, that no foreign power had a right to interfere; but, if no such courses were any longer in operation, then the right accrued to interfere—not for the peculiar benefit of either party, but for the advantage of the world at large. We had acted with caution in this affair; and it was our duty to do so. Spain was our ally, and had been so long, and our treaty had been a treaty to maintain her entire. From time to time, in the commencement of the disputes, we had offered our mediation to the Spanish government; and it was now clear, that to Spain—not in her state of bondage, but in her period of independent action—great part of the colonies, if not the whole, might have been preserved, if that mediation had been listened to. This, then, being the case, the duty of England was clearly to put to herself this question—Were any of the colonies any longer in that state which rendered foreign interference improper? Were there any as to which a reconciliation with the mother country seemed probable; or any in which a strong party in favour of that country was still in arms? avowing that, in all attempts at, or offers to the effect of, mediation, the principle should be to give a preference to the rights of the parent state. The noble earl then entered into a brief view of the circumstances under which Mexico, Colombia, and Buenos-Ayres had been struggling for independence, in order to demonstrate, that the steps now taken by England in their favour could not properly have been taken at an earlier period.—With respect to the affairs of India, and the increase contemplated in the military establishment of the country, the noble marquis who had last spoken, had alluded to certain reports which were abroad. He, however, begged the noble marquis to take nothing more for granted than was declared in the Speech from the throne. It was not by any fault or neglect on the part of the executive government, that earlier information upon this subject had not been given to parliament. Papers would shortly be produced, and if farther explanation were desired every possible disposition existed to afford it. It remained now therefore, only to trouble the House with a few words, and they should, at present, be but few, upon the state of Ireland. To enter fully into detail upon the questions connected with that country, would occupy more time than it was now desirable to devote to it. In considering that matter, which was adverted to in the royal Speech, and would come under the consideration of the House—in considering that matter, he could not treat it as wholly unconnected with the general Catholic question, because there was no subject which affected Ireland at all, which some persons would not be disposed to mix up with that question; but he certainly should treat it as a matter by no means growing out of, or immediately connected with it. For the measure which was to be proposed, there was nothing about it which should prevent its being discussed upon its own independent merits. There was nothing about it which touched the question of Catholic claims, nothing which the advocate of those claims might not vote for as freely as he who stood most opposed to them. With regard to the proceedings taken at this moment by the Catholic Association,

there could be no doubt that they amounted to an evasion of the provisions of the Statute-book. They were undertaken, and carried on in that spirit which said, determinately—"Whatever law you make, our business shall be to evade and to nullify it." The proceedings of the Catholic Association at this moment were in decided hostility to the intent of the convention act. It was for parliament to declare, whether it would authorize the evasion of a statute so important. There might be those who would say generally, that they disliked the effect of the restrictive laws operating upon Ireland, and that they would do nothing to strengthen or to extend them; but whenever those persons looked at the conduct of the party which called itself the Catholic Association, and saw it actually levying an unauthorized tax upon the Catholic population of Ireland—would they say that the existence of such a body was consistent with the constitution of this country, or compatible with its peace? He protested that, if he stood before the House as the advocate of Catholic claims, the first act which he would vote for should be the putting down of that convention, the Catholic Association; because, if the Catholic claims were granted, they ought to be granted upon their own merits, and not to the demand of such an Association, acting in the way that that body was disposed to act. He renounced every desire, every idea, of interfering with the right of the Catholics to assemble and petition parliament; but that right was not now the question; the question was, whether that conduct should be tolerated which was decidedly inconsistent with the spirit of the laws. He said this, not with reference to parliament alone, but to the nation at large. There were abuses with respect to Ireland, which had in some measure been mitigated since the last session. The House might remember the opinions he had then expressed. It had been attempted to connect those abuses with the Catholic question, with which, however, they could not necessarily nor properly be connected, and he had therefore refused to consider them as relating to each other. He felt that parliament owed it to the peace and prosperity of Ireland, to take some measures to put down any convention in that country. What, he would ask, had prevented Ireland from being equal in prosperity to this country? England was heavily taxed, while the taxes drawn from Ireland were comparatively light. Then what could make the difference between the two? He answered, it was the spirit of political and religious dissention existing in that country. If that were the case, he would boldly ask any man whether any greater bar to the prosperity of a nation could exist, than such a convention as the Catholic Association, which must keep alive those dissentions? For the sake of the peace of Ireland, parliament were bound to look to this Association; and in order to bring it definitely before the House, he now gave notice that he should shortly move for a renewal of the committee to inquire into the state of Ireland.

The Earl of *Donoughmore* said, it gave him extreme pain to rise in opposition to what had fallen from the noble lord; particularly as the Speech from the throne had his approbation, with the exception of only one particular passage. In addressing their lordships, he should speak as an individual who had taken the strongest part in the administration of justice in Ireland, and whose endeavours to administer the laws with impartiality had not been altogether without effect. In the present tranquil state of Ireland, and after that country had been so long without disturbance of any sort, the coercive measures alluded to by his majesty's ministers ought not to be resorted to. He maintained that the Catholic Association had produced no evil, but, on the contrary, had effected much good. The Catholic priesthood had been most active in discouraging sedition and tumult, and their efforts had been attended with more than ordinary success; for he would ask, in what other period would that country have proceeded so tranquilly in the pursuit of such an important measure, and when was she in a more tranquil situation than at present? The government ought not therefore to pass a Convention act against six millions of people, who were in a state of tranquillity, and had done nothing to render such severity necessary. While the people of Ireland were submissive to the laws, was it not prudent to leave them alone? And that they were in such a state, was acknowledged in the Speech from the throne. He was really surprised at one clause in the Speech, and upon which the noble earl had said that he would explain himself to the House in the course of a week. Now, he thought

that when the government was going to take away the liberties of a country, their explanations ought to precede their measures, and not follow them. It was a strange proceeding to put down a people by the most severe measures, and then tell why they had so put them down. One cry was, that the Catholic Association spoke the language of sedition; but the law courts had decided otherwise; and, after appealing to the laws of the land, was the government dissatisfied with their decision, and therefore going to make fresh laws? Others had complained that the Association spoke their sentiments aloud. Did they, then, wish them to plot and contrive in the dark? Government might legislate; but they would find that the magic of an act of parliament would not put down six millions of men, who had a just cause to complain of grievances. He should not propose any amendment; but he could not help declaring, that he had a strong objection to that part of the Speech which related to the Roman Catholic part of the community.

The Earl of *Roden* rose to express his satisfaction at the hope held out in his majesty's speech, and repeated in the speech of the noble earl at the head of the treasury, that ministers would propose measures for putting down the Roman Catholic Association, which had, for upwards of twelve months, been allowed to pursue their dangerous course without molestation. He spoke in the presence of persons who had passed the winter and summer in Ireland, and who could bear testimony to the baneful effects which the Association had produced on the minds of the peasantry. The time had arrived, when it became necessary for parliament to show that they would not be dictated to by the Roman Catholic Association. It was by decisive measures alone that the agitators could be made to crouch, and not by weak and variable proceedings, such as had lately been exhibited in Ireland—he meant the prosecution of this and that individual, which tended to keep up the irritation which already was, unfortunately, but too prevalent in that country.

Viscount *Clifden* felt himself compelled to address a few words to their lordships upon the subject of the Catholic Association. He had perused the address of that Association, which had been read from the pulpit of every chapel in Ireland; he had been a subscriber to that Association, and, by the blessing of God, would continue to be so, until the government could contrive to make it illegal. The Catholic Association would claim to be heard at their lordships' bar. Their lordships might talk of the abuse poured out by the Association against their opponents; but did they not also hear of the calumny circulated against them in newspapers, until they had, at a vast expense, been obliged to set up opposition papers, upon the principle of self-defence. For the attacks upon the Catholics, he had only to refer to the Orange Association, and to the Bible meetings. He knew that one noble lord, a prelate of Ireland, the archbishop of Tuam, highly disapproved of these Bible Associations. Their very object was, to make proselytes, and he would like to know how Protestants would feel, if their children were exposed to such a system of conversion from the faith of their fathers. However the government might suppress the Catholic Association in its present form, they could not prevent private subscriptions, and other measures of a similar nature. But, he felt particularly provoked at the government bringing forward this measure at a period when all Europe, except Spain, was without any of these religious exclusions. The measure was most strangely in opposition to a proclamation of his majesty, dated 18th December last, and addressed to his Hanoverian subjects. This proclamation expressly set forth, that no difference of religious tenets could justly lead to any difference in the enjoyment of civil rights, in the countries comprehended in the Germanic confederation. It further declared, that every christian sect, of whatever denomination or description, was to enjoy a perfect equality of civil rights, that the notion of a predominant and merely tolerant church was entirely abolished; that every species of christian was entitled to the free exercise of public worship, and that the clergy were to take their fees, emoluments, and entire revenue solely from the people of their own persuasion. The same freedom to the Irish Catholics had been held out to them by Mr. Pitt, who had left office upon this question in 1801. Fox, Burke, Grattan, Sheridan, Grenville, and other illustrious men, had unanimously upheld these principles, and surely all these men could not have been wrong, and only the other part of the cabinet right. The Catholics and Dissenters, in-

cluding Methodists, decidedly out-numbered the church, and it was impossible that such a system of proscription could continue much longer.

The address was then agreed to nem. con.

Joint-Stock Companies.] The *Lord Chancellor* said, that at the close of the last session, he had taken the liberty of stating, that he would, in the course of the present session, move for leave to regulate a system which was now going on to a most mischievous extent—he meant Joint-Stock Companies not yet formed, and which never might be formed, and where, before their formation, the shares of the persons adventuring therein were made the subject of sale, to the enormous profit of those who set such companies afloat. It was his intention to ask their lordships to consent to a bill to check that sort of proceeding. He had thought it right to mention the subject on the first day of the session, because he intended that the operation of the bill should affect all sales of interest on shares in those companies which might be proposed to be established, but not yet formed, from and after the first day of the present session. After having thus stated his intentions, there could be no ground for complaint with respect to the want of notice, supposing their lordships should think proper to approve of the bill. With respect to the past, he would either leave it to be dealt with according to the common law as it at present stood, or he would introduce into the bill a declaration as to what he conceived to be the intent of the common law on the subject.

HOUSE OF COMMONS.

Thursday, February 3.

Address on the King's Speech at the opening of the Session.] The Speaker having reported the Speech of the Lords Commissioners, and read it to the House,

Lord *Francis Leveson Gower* spoke to the following effect:—

I rise, Sir, for the purpose of moving an Address to his Majesty, to express to his majesty the sense which this House entertains of the gracious Speech which which we have just heard. I believe, Sir, there are sometimes periods in a nation's career when the national prosperity is either raised so high, or depressed so low, that but one general sensation as to the real state of the country pervades every class of the community; when one uniform feeling springing up spontaneously, and arising from no process of reason or argument, exists in every bosom; when those who are uninitiated in the mysteries of government, or the details of Administration, are conscious of the same great truths as those to whom the direction of our political machinery is committed. I believe the present epoch, to which it has fallen to my lot to direct the attention of the House, to be one of those to which I have alluded. Classing myself, Sir, among the uninitiated persons to whom I have just alluded—laying no claim to that extent and accuracy of knowledge with regard to the interests of the country, which I respect and envy in the many honourable gentlemen whom I see before me and around me, it is my own share of that general feeling which I believe to pervade the country, on which I ground my confident anticipation, that this House will meet with its cordial concurrence, the language expressed in his majesty's Speech, with respect to the general prosperity of the country. I am happy to think, Sir, that the present circumstances of the country render it unnecessary for me to enter into any minute details. At periods when any particular interest, or any peculiar source of the wealth, prosperity, and power of the country is depressed below the level of others, it may be the duty of a member of this House, to call its attention to such a particular subject separately and distinctly. But, at the present moment, such is the general state of prosperity at which the country has arrived, that I feel in some measure at a loss how to proceed; whether to give precedence to our agriculture, which is the main support of the country; to our manufactures, which have increased, and are increasing to a most unexampled extent; or to our commerce, which distributes them to the ends of the earth, which finds daily new outlets for their distribution, and new sources of national wealth and prosperity. With the distress, Sir, under which the country lately laboured, and which has vanished from the face of it, the too frequent concomitants of distress—exasperation and sedition—have happily disappeared. Those whom the immediate pressure of the times may have induced to listen to the evil suggestions

of others, and who may have been betrayed into acts of crime, have returned to habits of honest industry; while the few—and few, I trust, comparatively, they are—who, wicked in principle, may still walk the land—walk it comparatively despised, unknown, and unregarded. The torch of sedition, for aught I know, may still be lighted, but the fuel is wanting on which that torch can fall.

In speaking, Sir, of the general prosperity of the country, I know of no local or geographical exception, if I may be allowed that expression. I know of no exception as to any particular district or province of the British dominions, whether in England, Wales, Scotland, or, I am happy to add, Ireland. Honourable gentlemen have been so accustomed to the voice of lamentation, whenever the state of Ireland has been alluded to, that some may feel disposed to start at language more cheering and consolatory. I think, however, Sir, that the indications of improvement in that country fully bear out the language of his Majesty's Speech. British enterprise is already beginning to exercise a salutary operation in that country, by giving increased energy and activity to those pursuits which tend to the improvement and civilization of mankind. British capital, the instrument of that enterprise, is already insinuating its salutary juices into the exhausted veins of that country. Above all, Sir, that tranquillity which is the only basis on which improvement can permanently rest, reigns, I believe, in Ireland to a degree which is unparalleled in our recollection. These are the indications of improvement which warrant us in indulging the hope, that ere long the tide of affluence and prosperity which is fertilising the land in this country, will set in all its strength and richness upon the shores of Ireland. So far, Sir, I have approached a name, which is too often the watchword of all the virulence of debate, and which is apt to give rise to the angry expression of every conflicting opinion, without touching on any topic which is calculated to elicit any material difference of opinion. But it cannot be disguised, Sir, that there are features in the present situation of Ireland—that there are topics connected with its present circumstances, on which I do not feel myself at liberty to be entirely silent, although they may be less pleasing than those to which I have hitherto adverted. If, Sir, any hon. gentleman who hears me should indulge a hope that any alleviation of the evils which may still exist in that country is likely to be effected by the proceedings of the body which calls itself the Catholic Association—if any hon. gentleman should found his hopes of the regeneration of that country on the efficacy of such particular means—I cannot but express the strong feeling which I entertain of the visionary and chimerical nature of such an expectation. As a friend to every measure which can promote the happiness of that country—as a steady friend to one measure, which though not a panacea for all its evils, ranks high among the remedies which may be applied to them; as a friend to Catholic Emancipation, I cannot omit the opportunity which the present occasion affords me of expressing my feeling with regard to the Catholic Association—of expressing, not any animosity, not any unbecoming contempt of that body or its members, nor, I will add, any undue degree of fear of its power and influence, which I believe to have been grossly exaggerated, but my regret, my sincere regret, at its existence, and my ardent wishes for its speedy annihilation. I think it would be difficult for the wit of man to devise any more effectual method, at the present time, for checking every measure of improvement, and counteracting every remedy which can be applied to the evils of Ireland. I grudge the orators of that country no vent for the exuberance of their diction, and the richness of imagination, which so honourably distinguish them; but I anticipate no possible beneficial result from the proceedings of this body, and see many evils likely to arise from a continuance of the power of indulging in the flow of their eloquence, and the richness of their periods. I have no wish to exaggerate, on the one hand, the indications of improvement which I think may be observed in the aspect of Ireland, nor, on the other hand, to exaggerate the evils which may spring from the Catholic Association; but I cannot but express my hope, that neither the violence of that body, nor the equally pernicious virulence of Orange insanity, may long be allowed to check the progress of improvement in that country. I know that the power and influence of that body have been grossly, and I think cruelly, exaggerated throughout the country. Every phantom which terror can conjure up, has been employed to excite alarm. Ireland, it is said, may be tranquil for the moment; some rents are paid; some landlords sleep

in their beds with the hope of rising in the morning; but this is only the calm which is the precursor of a hurricane. I can only say, Sir, that whatever information his majesty's ministers have received with regard to the state of Ireland, has not supplied the grounds of any such visionary fears. But we may be told that fresh troops are to be raised. It is true that fresh troops are to be raised but not for Ireland. I believe I am correct in stating, that it is not in the contemplation of his majesty's government to increase the forces in Ireland by a single man.

The observation, Sir, which I have just made leads me to that portion of his Majesty's Speech which I think calculated to excite considerable interest; I mean that in which his majesty announces his intention of requesting this House to supply the means of increasing the armed force of the country. I have hitherto, Sir, endeavoured to make myself the temporary organ for expressing the satisfaction which I believe is very generally felt throughout the country, at the continuance and progress of those blessings which derive their origin mainly from the preservation of the tranquillity of Europe. But this House cannot forget, that while the main trunk of the empire is digesting its strength and recruiting its energies by repose, its extremities have not been allowed to participate in that salutary inaction. In India, a large force has been necessarily put in motion to repel the unjust aggression of a barbarous neighbour. The distance of the scene of operations and the want of information on the subject in consequence of that distance, have precluded us from obtaining any minute details. Suffice it, however, to say, that wherever the British arm has been raised, either to smite or to save, its terrible reputation has been upheld in that, as in every other quarter of the world. But it will be obvious to the House and the country, that a war, such as that which existed in India at the time the last accounts reached us, called for arrangements, by which the ordinary system by which exchange of regiments between this country and India was conducted, must necessarily be deranged, and I am sure the House will see the necessity of supplying the vacancies which must have been produced from this cause. The increased supply of troops destined for the service of India will not, however, add to the burthens of this country, since India is capable of supporting her own expenditure. I think, Sir, upon examining the numerical strength of the forces in other parts of our foreign possessions, we shall be equally convinced of the expediency of the proposed increase. With a war raging in the immediate neighbourhood of our possessions in the Mediterranean, it may be supposed expedient, that, without attempting to rival the standing armies of the Continent, we should have some more disposable force than would be strictly necessary for mounting guard at Gibraltar, and doing garrison duty at Malta or Corfu. On the other hand, in other quarters of the world—for instance, in the West Indies—troops have naturally been drawn away from the complement which was necessary for the protection of Canada. Upon these local grounds I feel confident, Sir, that the House will fully concur in the necessity of a further increase of the forces of the country. There is this additional reason for such an increase. We must all remember that during a period of distress, his majesty's ministers did their duty in paring down the establishments of the country to the smallest possible area commensurate with the national security. But, Sir, I have said that it is only on local grounds that I consider this measure necessary; and I feel that I am fairly borne out in asserting, that his majesty's ministers in requesting this sacrifice of a portion of revenue which might have been applied to other purposes, do not anticipate the necessity of resorting to any other than peaceful measures, for the purpose of supporting that line of policy which his majesty chooses to pursue in our commercial relations.

There is no reason to suppose that there will be any interruption in our amicable relations with other powers; but there is one observation which must be so obvious to every Member of this House and every subject in his majesty's dominions, that he who runs may read; namely, that a variety of causes have contributed to alter very materially the face of Europe in politics, and that, though the time may have existed when something like calculation, something like a prophetic spirit might have been applied to them, he must be a bold astrologer who can venture to predict what will happen, and a still bolder one who will venture to form any prognostic as to what will not happen in a system where the figures are so complicated, and

the motions so excentric and confused. At such a period, it is satisfactory to know, that the good offices of England have been available in every quarter of the world, to draw closer the bonds of friendly communication between nation and nation. The House will have pleasure in the information which his Majesty's Speech conveys, that the mediation of this country has been successfully exerted between Russia and Turkey, and that the efforts of this country have been gratefully acknowledged by both those powers. The House must also have learnt with pleasure, that his Majesty's endeavours to effect the abolition of the Slave Trade in every part of the world, have continued unremitted and unabated, and that a treaty between this country and Sweden has been concluded for the promotion of that object. It cannot but be deeply lamented, that an obstacle arising from the nature of the Constitution of the United States of America should have prevented the completion of a similar treaty. The diplomatic papers relative to this subject are, I believe, in the hands of the House, from which they will be enabled to form their own judgment, as to the transactions which have taken place. In this instance, a treaty which had already been ratified by his Majesty, was returned, not only with alterations, but one of those alterations, a vital one, and which originated entirely with America itself—I allude to the alteration relative to the right of search, inadmissible in its own nature, and utterly inadmissible from the circumstances under which it was introduced. I perfectly concur in the course which has been pursued by his majesty's government, which was, I believe, to annul that treaty entirely, and to open a new negotiation, the basis of which negotiation was essentially the treaty which had been returned by America, with the single exception of the article which had originated with herself. The time has not yet permitted us to receive an answer to that proposition, which will, I trust, be as satisfactory as its fairness deserves.

I now, Sir, proceed to notice a part of his majesty's speech, which cannot fail to excite the most intense interest in this country, and in every part of the civilized world—I allude to the announcement of his majesty's intention to enter into commercial treaties with certain newly-organized states of South America, which, it appears, have established their own form of government. The object of these treaties is one of which I need not point out the necessity to the representative Assembly of the greatest commercial nation that ever existed in the world: it is that of consolidating those regulations of commercial intercourse, without which the merchant is apt to assume the character of an adventurer, and trade become a speculation. But, Sir, while I acknowledge and feel, as deeply as any man can do, the necessity of such regulations—a necessity which has been felt by those who are practically interested, and which must be obvious to the nation at large—I think both the politician and the merchant, the warmest advocate for political liberty, and the most zealous guardian of our commercial interest, must acknowledge, that circumstances did exist, which rendered it imperative on the government of the country to act with caution, to deliberate on the measures by which they would afterwards be bound, and on the time and manner of executing them. No one can be surprised that, in cases such as these, a government may be led on to adopt a course of policy, in pursuance of her own fair and honourable interest, which policy may subsequently lead to measures perfectly compatible with the rights of every human being; and yet it may be such a course of policy as another government, under different circumstances, would find it difficult to carry into execution. It is needless to remind the House, that in no one instance did the consideration of this subject lead his majesty's government to contemplate, for a moment, any interference in the struggle between these provinces and the mother country. A bill, Sir, which was much disputed and argued upon in this House, whatever may be its original merits, is a further standing testimony, that the government of this country did not sanction any British enterprise, any unusual exertion of that valour which its possessors carry about them to every quarter of the world, and which has, in some instances, assisted those provinces against the mother country. But, his majesty's ministers while pursuing this course, could not avoid foreseeing that the period would probably arrive, when the measures now in progress, or similar ones, would eventually be called for. The course of policy which they would then feel themselves bound to pursue, was traced out with mathematical accuracy, was laid before the power most interested;

if any objections were made, they were answered; if any explanation was requested, it was given; and, in the fulness of time, the political prediction is now in the progress of accomplishment. This, Sir, is what I mean by the manner in which our government has acted. In asserting that the essence of that policy is free from any just cause of offence to God or man, I know that I coincide with the general feeling of this country—I know that I assert a proposition which is too palpable to require proof. But, I have no wish of disguising the fact, that the opinions of some of the continental cabinets are at variance on this subject as they have been on others, with our own. But, I have no apprehension, that any such difference will induce any breach of those friendly relations which it is the wish of this country, and the interests of all parties, to cultivate. If even violence of language, if menace, could have been deemed, by any power, an expedient weapon for inducing this country to change its opinion, I cannot but think that weapon would have been used when its application might, by supposition, have availed—when no irrevocable step had yet been taken. The surest test that can be applied to the conduct of man to man, or nation to nation, is that which supposes the application of our conduct to ourselves. We may be told, Sir, that we are a nation possessing a large colonial empire—that those colonies may revolt. They may, Sir. If they do, then I say, let every power which is interested in a commercial intercourse with those colonies, pursue a course towards us, which we have pursued towards Spain. I ask no more. We may be told, Sir, that we are merely pursuing our own interests. We are, Sir: and that is the interest of the whole world, though all nations may not be equally well situated for it. But, Sir, I can suppose a case, in which we might have followed the views of that interest, and taken a course which would have given just cause of offence to Spain—which would have irritated the pride of the king of that country, and of the council of the Indies—which would have given them just cause for calling upon whatever allies they had to make common cause against our aggression—which would have given them a ground for rearing the standard of a war, and that war, Sir, a war of principle—next to a religious contest, the most inextinguishable source of misery and destruction. We might, Sir, have thrown in the weight of our recognition, at a time when the struggle was yet in its progress. We might have proclaimed the constitution wherever the insurgent flag had been hoisted—by that conduct, the mere act of recognition, without sending forth fleets or armies, would have been an essential act of hostility. If I wished, in this point of view, to set the conduct of his majesty's government in a light in which I thought it would look best, I would wander from imaginary suppositions of my own; I would appeal to history; I would place it side by side with the conduct of France throughout the American war—from the first moment when she began to tamper with the American agents, to the moment when, "willing to wound, and yet afraid to strike," her timidity was forced into the struggle by the fear, not of our conquest of those states, but of our reconciliation with them. I would refer to the state papers and speeches of that day, the declaration of France, the reply of Gibbon, and that admirable specimen of political narrative, the speech delivered in this House by governor Pownall.* I trust, Sir, the House will acquit me of absolute recrimination against France. I mention the fact, because I think it bears directly on the present case. I trust these treaties will fully attain the important object for which they are in progress. I trust they will tend still further to increase the commercial prosperity, which has even now attained a height unparalleled in our history. Of our internal trade, it is difficult to obtain any test which amounts to any thing like arithmetical accuracy, but every indication exists, which can afford a proof, short of what the exact sciences furnish, to induce us to believe it stands higher than it ever did before. To our foreign trade a test may be applied, even amounting to such accuracy; and I believe it will be found to exceed, by one-tenth, the scale of the preceding year. On the subject of the newly-acknowledged states of South America, I wish to make one observation, which I have seen in two different works on the subject. The one is the production of a Frenchman; the other is written by a citizen of the United States, and in both there is a very strong,

* For the speech of governor Pownall, referred to by the noble lord, see Parliamentary History, Vol. XVI. p. 494.

and at the same time, a very natural national jealousy expressed at the direction which the trade of those countries was taking towards England. I sincerely hope that those treaties will foster and improve this fortunate tendency. Our commerce is now happily in the progress of being freed from many restrictions, which, bottomed upon false principles, impeded its free course. Those absurd enactments are now expunged from the text-book of the political economist. To what extent our commerce may reach—what or whether any limits can be affixed to the spirit of British industry—is a subject for the speculations of the political philosopher, or ingenious traveller. I shall therefore leave these matters to the Halls and the Humboldts of the day: and shall remain satisfied with the conviction, that England has not yet run her course; that the soil is not exhausted, out of which the sturdy growth of this great empire has sprung up and that many rich harvests still remain to be reaped by generations yet unborn [loud cheers].—The noble lord concluded with moving,

"That an humble Address be presented to his majesty, to return his majesty the thanks of this House, for his most gracious Speech delivered by the lords commissioners; and to assure his majesty, that we sincerely participate in the gratification which his majesty derives from the continuance and progressive increase of that public prosperity upon which his majesty congratulated us at the opening of the last session of parliament, from the thriving condition of all the great interests of the nation, and from the feeling of content and satisfaction so widely diffused through all classes of the British people:

"That it is to us, as to his majesty, no small additional gratification that Ireland is participating in the general prosperity; that the outrages, for the suppression of which extraordinary powers were confided to his majesty, have so far ceased as to warrant the suspension of the exercise of those powers in most of the districts heretofore disturbed; and that industry and commercial enterprize are extending themselves in that part of the United Kingdom; we regret therefore the more deeply the existence in Ireland of Associations which have adopted proceedings irreconcileable with the spirit of the constitution, and calculated by exciting alarm, and by exasperating animosities, to endanger the peace of society, and to retard the course of national improvement; and that his majesty may rely upon our readiness to consider without delay the means of applying a remedy to this evil:

"To assure his majesty, that we will lose no time in renewing the inquiries instituted last Session into the state of Ireland:

"That we learn with regret the interruption of tranquillity in India, by the unprovoked aggression and extravagant pretensions of the Burmese Government, which rendered hostile operations against that state unavoidable; but that, as none of the other native Powers have manifested any unfriendly disposition, we look to a speedy termination of the contest from a continuance of that bravery and conduct which has already been displayed by the British army:

"To thank his majesty for directing the Estimates of the year to be forthwith laid before us:

"To assure his majesty that we will give our best attention to the proposal which his majesty announces to us, for an augmentation in his majesty's military establishment, required by the state of India, and circumstances connected with other parts of his majesty's foreign possessions:

"That it is the highest gratification to us to be informed by his majesty that, after providing for any expense that may be incurred by such augmentation of force, the flourishing state and progressive improvement of the revenue will still enable us to give additional facilities to the national industry, and to make a further reduction in the burthens of his people:

"To thank his majesty for the information that his majesty continues to receive from his allies, and generally from all princes and states, assurances of their unabated desire to maintain and cultivate the relations of peace with his majesty, and with each other; and to acknowledge his majesty's goodness and wisdom, in his majesty's constant endeavours to preserve the general tranquillity:

"To congratulate his majesty on the amicable termination of the negotiations between the emperor of Russia and the Ottoman Porte, through his majesty's ambassadors at Constantinople; and to thank his majesty for having directed to be laid before us copies of arrangements which have been entered into with the Kingdoms of Denmark and Hanover, for improving the commercial intercourse between those states and the United Kingdom, and of the

treaty for the more effectual suppression of the slave trade, which has been concluded between his majesty and Sweden:

"To express our anxious hope that any difficulties which have arisen with respect to the treaty for the same object, which was negociated last year between his majesty and the United States of America, may not finally impede the conclusion of so beneficial an arrangement:

"To express the satisfaction and the acknowledgments which we feel to be due to his majesty for having, in conformity with the declarations which have been repeatedly made in his majesty's name, taken measures for confirming by treaties the commercial relations already subsisting between this Kingdom and those countries of America which appear to have established their separation from Spain, and for his majesty's gracious promise that so soon as these treaties shall be completed his majesty will direct copies of them to be laid before us:

"To assure his majesty that we contemplate with the same feelings as his majesty the continued improvement in the agricultural interests, the solid foundation of our national prosperity:

"To express to his majesty the pleasure that it affords us to hear that evident advantage has been derived from the relief which we have recently given to commerce, by the removal of inconvenient restrictions; and to assure his majesty that we will, in obedience to his majesty's most gracious recommendation, persevere (as circumstances may allow) in the removal of similar restrictions, confidently relying on his majesty's cordial co-operation, in fostering and extending that commerce, which, whilst it is under the blessing of Providence a main source of strength and power to this country, contributes in no less degree to the happiness and civilisation of mankind."

Mr. Alderman *Thompson* rose, and addressed the House to the following effect:—Mr. Speaker; I rise to second the address, which has been moved by my noble friend; and in presenting myself to the notice of the House, I feel conscious that I stand in need of a greater portion of its indulgence than it has usually been called upon to extend to any individual upon similar occasions; at the same time, I must, in justice to the noble mover, acknowledge, that the very able and eloquent manner in which he has illustrated the various important topics contained in his majesty's most gracious speech, has relieved me from much of the arduous task I have undertaken. I shall, therefore, abstain from trespassing upon the indulgence of the House, being most anxious to avoid the risk of weakening the favourable impression which the noble lord appears to have so successfully made upon both sides of the House; an impression which justifies me in fondly anticipating, that the address, in answer to the speech from the throne, will meet with the unanimous approbation of the House, distinguished as that speech is, by matter of the deepest interest and of proud exultation, furnishing a theme of congratulation for a state of things more gratifying than it ever fell to the lot of the monarch of this or any other country to communicate to his people.—It cannot fail, Sir, to be highly satisfactory to the country, that his majesty continues to receive from foreign powers assurances of continued friendship, and of their disposition to cultivate with his majesty those friendly relations, which it is equally the interest as well as the sincere desire of the British empire to maintain, and in furtherance of this object, it must be highly gratifying to the country to learn, that through the mediation of his majesty, the differences which existed between the emperor of Russia, and the Ottoman Porte have been brought to an amicable issue; that there is no prospect of the harmony and friendly intercourse which subsist between this country and foreign powers being disturbed; but that, on the contrary, there is a well-founded expectation of a continuance of that good understanding which has now existed for many years, and which has chiefly contributed to raise this country to a state of unexampled prosperity.—Whilst upon this branch of the subject, the House, I hope, will permit me to advert to an event which has lately occurred in France, the circumstances connected with which have afforded strong evidence of the happy change which has taken place in the feelings and opinions of the people of that country, and offers a substantial pledge of permanent tranquillity, I allude to the demise of the king of France, an event which was contemplated with no inconsiderable degree of anxiety by the people of every state in Europe, and which, by the common course of nature, considering the age and bodily infirmities with which Louis 18th was bitterly

afflicted, could not be very distant. The termination of the eventful life of that monarch was regarded as the last hope of the advocates for revolution; but, thanks to a benign Providence, their expectations have been disappointed; we have witnessed the sceptre of France pass into the hands of his legitimate successor without the slightest disorder, thus satisfactorily exhibiting to the world, that the present dynasty of France rests on the most solid foundation. I am led to these observations, to show how permanent are likely to be the advantages of peace we now enjoy, and that the country is rapidly advancing to a state which may be viewed as affording an indemnity for the vast sacrifices she has made in the accomplishment of that great purpose—the general peace and tranquillity of Europe. With respect to the fallen state of Spain, the declarations of the government of France regarding that country, may, I think, safely be confided in. I believe Charles 10th to be sincere, when he declares, that his object in maintaining a military occupation of a part of Spain, is not for the purpose of territorial aggrandizement, but with a view of protection to his own dominions; and in proportion as that danger subsides, in the same ratio, will he, no doubt, withdraw his army from Spain; and I think the House will admit the conduct of the king of France, during the short time he has occupied the throne of that country, offers the most satisfactory pledge of the future. His accession to the crown has been distinguished by a liberal policy, exemplified, indeed, strongly in the restoration of the liberty of the press, and other institutions, which are in unison with a progressive state of tranquillity and civilization. But, Sir, while our relations with the continental powers of Europe have acquired so auspicious a character, and great and unprecedented as have been the benefits which Great Britain has derived from this happy state of peace, his majesty's ministers have not been inattentive to the opportunity, when they could consistently with existing circumstances, increase the advantages, and extend the means of commercial intercourse, by forming a connection with the new Transatlantic States. Three centuries have now elapsed since those states fell under European dominion, unfortunately not of the Protestant part of Europe, nor of a country like Great Britain, capable of imparting useful institutions to its colonies, and cultivating a mutually beneficial intercourse; they fell under the dominion of the Spanish government—a government unfortunately blind both to its political and commercial interest. What a picture of the baneful effects of monopoly in trade and bigotry in religion has been exhibited in the case of Spanish America, how different the prospect which is now opened to these countries! the removal of all restrictions on their trade with other parts of the world—a passage of two months wafting to the western hemisphere the manufactures of England, and thus laying the foundation, by means of an interchange of commodities, for sound principles of trade, advantageous to both; whilst we receive in return supplies of produce, adapted both to the luxury of the higher classes and the industry of the lower. Had the councils of Spain been guided by enlightened men, she never would have suffered so valuable a portion of the globe, inhabited by twenty one millions of people, to be held in a bondage disgraceful to civilized nations; she would not have suffered the contest for liberal institutions, and an emancipation from colonial monopoly and oppression, to be prolonged for a period of fourteen years, but have acquiesced in a change corresponding with the improvement of the times. Spain, however, pursued a different course, and fortunately an unsuccessful one; but, while the struggle was doubtful, England prudently remained neutral. The contest being virtually ended, his majesty's ministers have adopted decisive measures; they have taken steps to form a diplomatic intercourse with those states, which will contribute to give them stability and a confirmed influential station amongst the independent nations of the world. If there are any among those whom I have the honour of addressing who were of opinion that measures for the recognition of those countries were too long delayed; if there are any who doubted the friendly disposition of his majesty's ministers towards those new states, I think they will now readily acknowledge that parliament acted wisely in confiding in the government; and when reflecting on the events which have occurred within the last six or nine months, they will also be of opinion, that the administration have selected the most suitable period for the opening of a diplomatic intercourse with those states—a period indeed, when the Spanish forces

in that country have been vanquished in almost every engagement, and Spain no longer can lay claim even to the seeming title of a military occupation; when a system of government has been established in Colombia, Mexico, and Buenos Ayres, exhibiting conclusive evidence of a knowledge of liberal systems of government, and evincing a desire to cultivate the advantages derivable from the experience of a part of the globe deeply skilled in arts, and most advanced in general civilization.—Having now given a sketch (and I fear an imperfect one) of the happy state of our foreign relations generally, and the advantages which we are likely to acquire from an intercourse with the South American states, I must also notice the war which has unexpectedly sprung up in India; the measures which have, however, been taken, will, I trust, speedily lead to an adjustment of the differences; if not, we may safely confide in the tried valour of our army in that quarter, and look forward to an early and satisfactory termination of hostilities. The House has been apprized of his majesty's intention to augment the army. A more efficient force in British India has rendered this necessary. The reductions also which took place in the military force of the country since the peace, regiments having been reduced from 1,000 to about 600 men, has pressed inconveniently upon the service in our distant possessions. The proposed augmentation will afford much relief upon those stations; and it is gratifying to reflect, that from the flourishing state of the revenue, no additional burthens on account of such increase will be imposed upon the people.—With respect to the slave trade, from the perseverance, temper, and firmness with which that important subject has been espoused by his majesty's government, I think the House may safely confide in their continued exertions towards the completion of the wishes of the country. The state of Ireland is a topic which has been at various periods recommended to the attention of parliament, and has successively occupied its deliberate consideration. It is to be lamented, that, at a moment when British capital is beginning to diffuse itself throughout that fertile country, when the benefits of an unrestricted commercial intercourse between the two countries are daily exemplified, whilst measures are also in progress which cannot fail to ameliorate the condition of the lower order of the Irish population; I say, it is to be lamented, that those beneficial effects should be impeded in their rapid march by the obtrusive interference of misguided individuals; who by their acts are exasperating animosities, diverting the attention of certain classes of his majesty's faithful subjects from honest industry, and levying a species of tax upon a portion of the people of that country, with no other object than to enable those mistaken individuals to attempt to overawe the parliament of the united kingdom. Whatever difference of opinion, Sir, may exist in this House with respect to a question which is now made the protecting mantle for covering the errors and false notions of certain infatuated persons, I apprehend, that under existing circumstances, but one opinion will be entertained in this House, as to the course it will be fitting to pursue. For myself, I will take this opportunity of declaring, that my opinions are decidedly adverse to further concessions; my reasons for which I shall, upon a suitable opportunity, be ready to assign.—I trust the House will grant me its attention, while I advert to that part of his majesty's speech which relates to the improved and improving state of our agricultural interests, of our trade, commerce, manufactures, and negotiation, presenting a faithful picture which cannot fail to be most gratifying to the mind of every Englishman, to behold our country after a war of unprecedented length, carried on at an expense to the people to which history affords no parallel; not merely recovered from the state of unavoidable exhaustion attendant upon such an unexampled struggle, but actually raised to a degree of prosperity and glory unknown at any period. In proof whereof, I will advert to the increase of our revenue. The branch of Excise, which affords the best test of internal prosperity, alone has exceeded the amount of the preceding year, by upwards of 1,100 000*l.*; and the Customs, after deducting the repeal of duties within the year, to the amount of 1,250,000*l.*, only falls short of that of the preceding year 166,485*l.*; consequently, there is an increase in this department of our revenue nearly equal to that in the Excise. These form a just and unerring criterion of the increasing prosperity of our foreign and domestic trade: but, indeed, it is unnecessary to have reference to such proofs—whatever

part of England you visit there are presented to your view a happy, contented, and industrious population; whether they are employed in the manufactories of our great staples, or in the cultivation of the soil, the scene is equally gratifying. What a pleasing contrast does the present state of the country form to that of the year 1820, a period within the age of the present Parliament. Yes, Sir, within the short period of five years I have heard gentlemen, whose opinions have justly been entitled to great weight and authority, declare, that England was a declining country; that in commerce, manufactures, and navigation, she was incapable to enter into successful competition with any foreign rivals; that the means by which she must sustain her public credit were rapidly diminishing. I take leave, Sir, to remind the House of the gloomy predictions with which it was assailed from certain of the manufacturing and shipping interests, at a period when the important improvements in our navigation law, warehouse system, duties, &c. were under the consideration of Parliament; predictions which had no other foundation than in the hereditary attachment to ancient prejudices, unsuited to the present times, and unsound in principle. And may I not now ask, triumphantly, how have those gloomy predictions been verified? Are those Members of this House, few indeed, who advocated a continuance of the restrictive policy, become converts at last to the liberal system of trade? Are they now prepared to co-operate in the encouragement of open competition, the discontinuance of monopolies and restraints upon our trade and navigation? If not, let me entreat their attention for a short time, whilst I detail to the House the happy effects which have resulted to the country, principally from the improved state of our commercial code. In the first place, Sir, the official value of the exports of British manufactured goods during the year 1824, ending in October last, being the latest period at which the public accounts have been made up, as compared with the preceding year 1823, exhibit an increase of no less than 4,500,000*l.* sterling, bringing the total value of exports in 1824 to 50,758,800*l.*, being by far the largest export ever made by this country. The Transit trade has also, under the beneficial influence of the improving warehousing system, experienced a marked increase: the Act only took effect in July, 1823, and in 1824, as compared with a like period of twelve months preceding, in 1823, there is an increase in value of upwards of 1,200,000*l.* The sound policy of diminishing duties on the raw material, and acted upon by the right hon. the Chancellor of the Exchequer, has been most fully exemplified in the following articles. In consequence of that diminution, and the increased encouragement thereby given to the industry of the country, duties were paid upon nearly half a million of pounds weight of silk more than in 1823, and on sheep's wool upwards of five millions of pounds weight since the last session of Parliament. The consumption of colonial rum has also increased during the same period 165,700 gallons. With respect to our shipping interests, they are all in a state of rapid improvement. About two hundred more merchant vessels, yielding about 40,000 tons, have been constructed during the last twelve months in England and Scotland alone, as compared with the preceding year. The value of shipping, according to their respective tonnages, has risen from twenty to forty per cent.; and ships employed in the timber trade, the owners of which it was predicted would be ruined by the alteration of the Timber duties, and reciprocity of duties' act, have risen full 60 per cent in value; freights have increased 20 per cent, and there is plenty of employment. Of the increased trade of the country the port of London has had its full share. During the last year, as compared with the preceding, 2,600 more vessels entered the port from foreign and home ports; and if but due encouragement be given to an extension of the wet-dock accommodation, so highly essential to the trade of the metropolis, and the places of deposit for landing, the rates and charges of the port will undergo material reduction, and thus, by inviting the foreign merchant to avail himself of our capital, and the facilities offered to trade under our improved commercial code, we shall soon compete with our neighbouring continental rivals. The improved and improving state of the revenue of the country will, it is hoped, enable his majesty's government to proceed progressively with a diminution of taxation. The right hon. the Chancellor of the Exchequer most decidedly enjoys the full confidence of the country, and I am satisfied he will not disappoint the just expectations the country may have

formed. The prosperous state and improving condition of our agricultural interest form a topic of pleasing reflection. I am anxious, however, to state my opinion, that such prosperity is not in any manner attributable to the existing Corn Laws, which I believe is admitted by all parties, ought to undergo alteration. I am an advocate for their repeal, and the substitution of a protecting duty equal to a fair equivalent of the poor-rates, tithes, &c. paid by our farmers as compared with other countries. I repeat, Sir, if the situation of the country in 1820 was correctly portrayed (the period to which I have first alluded), how pleasing is the present contrast! Our trade last year has increased to an extent unprecedented; and happily England no longer cherishes visionary notions of advantage from commercial monopoly. The men who guide our councils, the merchants who invigorate our national industry, concur in disclaiming the doctrines of prohibition and restrictions. I will venture, without flattery, to say of England what the people of Rome said of one of their Emperors with a great deal of flattery—

"Nil oriturum alias, nil ortum tale fatentes."

Mr. *Brougham* regretted to state, that he was under the necessity, not only of expressing his dissent from, but also of entering his solemn protest against, some, and those not the least important, parts of the Speech which had just been read to them. He felt, however, great satisfaction in being able, before he stated them, to take notice, which he should do as shortly and clearly as he could, of those parts of the address to which he could give his most cordial and willing assent. In giving that assent, and in joining his congratulations to those contained in the address upon many of the points noticed in the Speech, he could not claim for himself any extraordinary stretch of candour. He was rather withheld, as indeed were many of the friends around him, by a feeling of modesty, from giving their due meed of praise to the measures alluded to, since those measures which were now the theme of so much praise and so many congratulations, were measures which the gentlemen on his side of the House years ago had urged, but in vain, upon those who at that time were intrusted with the administration of the country. He was rather restrained by this feeling of modesty, from praising the wisdom and vigour of the legislature in making the great mercantile reforms which had been recently effected; he was afraid, lest in bestowing any commendations of his upon them, he should seem to be bestowing commendation upon himself. He was, however, encouraged to get rid of his modesty; and to bestow upon them the honour that they merited, by the recollection that they were not so much his own propositions as the propositions of those friends with whom he had been in the habit of acting, both in parliament and out of parliament, ever since he had had the honour of being returned to it. The principles, let it be said in parliament, and be heard with rejoicing and edification throughout the country—the principles were at end which had so long hampered the industry and cramped the energies of the people of England. Those doctrines of narrow, shop-keeping, huxtering policy, which wise men had for many years treated with contempt, both at home and abroad, but which for ages had been reverenced by the ignorant as the only base upon which commercial property could be firmly established—those doctrines which, for two generations back, had been the topic of unqualified scorn, and the theme of unmixed reprobation with all writers of enlightened understanding, but which had been regularly defended by each successive minister during that period as the real foundation of national greatness—those doctrines, he was happy to say, were now exploded for ever, and could never more be advanced to obstruct the welfare and prosperity of the country. For years the House had been told, that it was either a wild chimera, or a dangerous innovation, to talk of the doctrines of a free trade, and of the right of men to employ their capital and their industry according to their interests, their wishes—ay, or even according to their caprices. At one time, when it pleased the ministry to view them with contempt, these doctrines were described as a visionary code, specious in theory, but impossible in practice; and at another, when it pleased it to excite alarm against them, they were viewed with as much detestation and abhorrence, as if they had been a leaf taken out of that book which some men thought they could never sufficiently detest and abhor, he meant "The Rights of Man," by Thomas Paine. He had himself heard them treated as idle chimeras by one set of ministers, and as jacobinical innovations

by another, just as it was the fashion of the day to treat them as objects of contempt or of abhorrence; and yet he, who had seen them first contemned and then abhorred, had now the happiness to say, that they had reached the consummation of their glory, not merely in being adopted by ministers, but in being publicly recognized, not only in the Speech which had just been delivered to them from a high quarter, but also in the addresses which were going to be returned to it by both Houses of Parliament. The House would see that it required but little candour in him to approve those parts of the Speech which referred to the late mercantile reforms. Let them look, for instance, at the recent modification of the navigation laws. Eight years ago he had himself expounded—very inadequately, he admitted, but still he had expounded—the very alterations which had lately been adopted. He claimed no merit for them, the invention was not his own, but that of greater and much wiser men. He had, however, proposed them, and by so doing had drawn down upon himself the heavy disapprobation of a right hon. gentleman, a great guardian of the commercial interests of the country. That right hon. gentleman was now no more. He had been blamed by that right hon. gentleman, the late Mr. Rose, for advocating such doctrines; he had ventured, however, to preach them more than once—ineffectually, indeed, at the time, but, as it now appeared, with undeniable ultimate success. At the same time he had also proposed the changes which had recently been adopted with regard to the silk trade. They were assailed, on his first propounding them, with great and extraordinary severity. He was told over and over again, that nothing could be more speculative, nothing more absurd: he was informed, that though they might appear very plausible in theory, every person in the trade considered them inapplicable to practice: he was even met by the taunt, that what he advanced might be very true, but that it looked very much like an ingenious sophism. "I trust," said one hon. gentleman, whom he now saw before him, "that I shall never see any ministry attempting to legislate upon such a subject." "God protect us," said another, "if any man should attempt to withdraw this corner-stone of our commercial policy. Let no man meddle with it by day or by night;" and he might have added, "in the interval between midnight and morning," which of all times for meddling was certainly the worst and most objectionable. "The moment it is withdrawn," continued he, "confusion and ruin will be at no great distance." "Thank God," said a third, in a fit of pious enthusiasm, "we shall never live to see the day, when the principles avowed by the gentlemen opposite shall be sanctioned by those who hold the highest place in his majesty's councils, or when those who hold such principles shall dare to act upon them as his majesty's ministers." Ministers had, however, sanctioned such principles: they had carried into effect all the detestable nostrums of that side of the House: they had taken an entire leaf out of the book of their opponents: they had even enacted measures to legalize the damnable heresies of Adam Smith and the Scotch economists, and to stamp with that odious name the opinions of their adversaries: nay more, the country was now called to thank God for having ministers who had courage to support such measures, though it was formerly called upon to thank God for having ministers who had courage to oppose them. Though he could not formerly concur in the gratitude which the country had been called upon to feel towards his majesty's ministers, he could now concur in it cordially and sincerely. He thanked God that measures had been taken by them to recognize the principles for which he, and those who thought with him, had long contended with so little immediate success. He thanked God that they were never more likely to be troubled even with the visions of those old, mean, absurd, senseless, inconsistent, shopkeeper-like, huckster-like, beggar-like doctrines, which had at last given way before the manly, generous, and philosophical principles, which the king's ministers had been compelled to adopt, by the almost unanimous sense of the country.

He trusted that the House would allow him, now that he had pointed out the concessions which his majesty's ministers had made to doctrines which they had formerly reprobated, to express a hope that they would go on in the course on which they had entered. If they did not, their work would be only half accomplished. What they had done was chiefly to be prized as a pledge that a better policy than the past would be pursued in future. For example, they had adopted

the recommendations which he had proposed in 1817 regarding the navigation and the silk laws. Now, another of the measures which he had recommended was one that had never been described as either so chimerical or so abominable, as either of those which had been recently adopted, and might be easily and successfully, if willingly, carried into effect. It was a well-known observation of Dr. Swift, that in political arithmetic, two and two did not always make four. Now, this observation he had applied to the consumption of commodities which were heavily taxed; for instance, wines. Now, there it was quite clear, that by increasing the tax upon the article they did not find that two and two made four; but different was the result in the case of coffee, for there, by lowering the duty, they had increased the consumption; so that where they meant to add two-and-two in the arithmetic of taxation, in the case of wine they had failed, and had not doubled the amount of duty; whereas, when they reduced the duties upon coffee one-half, they found they had doubled, or nearly doubled, the consumption, and, necessarily, maintained the full amount of the revenue. He hoped, therefore, that in the article of wines, as in that of coffee, they would profit by a departure from an unproductive estimate of calculating their amount of revenue. Why not do so speedily in the article of wines? Why not, in the path of reduction, make that the next step? Let the wine duty, then, at once be reduced; and, above all, let there be not only a reduction, but an equalization of these different wine duties for all foreign countries—he meant, in fact, a general and total revision of that arrangement which was made under the name of the Methuen treaty, in a time, and under circumstances, when a far different foreign and domestic policy prevailed from that which ought at present to regulate the affairs of such a kingdom as Great Britain. One good effect which would immediately arise from such a revision, would be the establishment of a better understanding with the French government, the lowering of the duties upon other French articles, and the increase, which he had no doubt would be consequent upon such a reduction, of the foreign consumption of British manufacture. These instances of better policy were, he hoped, on the eve of consummation; so that whatever amelioration had been already effected, he was quite sure they had not yet seen the last of those reformatory measures, which had been so long delayed, although so essentially called for by the best interests of the community.

There was another branch of his majesty's Speech which gave him sincere satisfaction: he alluded to the approach lately made by the king's government to that sound, and not more sound than expedient, and no less expedient than just and liberal policy, so often recommended from that side of the House, and so unanimously called for by the general voice of the country—he meant the recognition of some of the great empires in South America. How much of this policy, great as it undoubtedly was, belonged to the country, which had so strongly and repeatedly called for it—how much of it belonged to the executive government—how far the ministers had been driven into it—how little was the speed of their march—how small was their reluctance, or what was the measure or degree of their readiness, to do this justice to the country and to those new states, it were now, perhaps, unnecessary, if not invidious, to inquire. But, all men would know and feel how much of it belonged to his hon. and learned friend (sir J. Mackintosh) who had shown himself the uniform, powerful, learned, and consistent advocate of those early and liberal views of enlightened colonial policy which now met at length the assent of his majesty's government. How much of it was due to the inimitable speech delivered by his hon. and learned friend upon the foreign enlistment bill—a speech than which there never had been one delivered within their walls more deserving the admiration of every wise and liberal mind—how much of it was, he repeated, due to that eloquent and powerful speech, as well as to his learned friend's equally great, though more elaborate address, during the last session, upon the state of South America—it was not easy to say: but sure he was, that there was no man, either within or without that House, who could fail to ascribe a portion—a large portion—of this great triumph of right policy over wrong policy, to his learned and excellent friend [hear, hear]. He would not, however, on this occasion, quarrel with the share which the government had had in promoting the recent improvement. It was a great good to the country, at all events: if done by the ministers themselves, they deserved thanks for it; if done in obedience to the voice

of the country, equally ought they to be praised for listening to the suggestion. The good was done, and by whatever process it had been effected, it was gratifying to find, that there was now a government ready to yield to the wishes of the people; so that upon this subject he would not criticize too nicely the operation by which the improvement was effected. The recognition had luckily taken place at last; it was an act of justice following the undoubted fact of the assertion of their independence by the people of the South American States; and, however tardy the acknowledgment, still it would be gratifying to find, that it was not the price of any unworthy traffic, or paltry barter for mere commercial views. He was glad it was done at all events; for it was a measure fraught with justice, and calculated to produce the most beneficial results; and right was it, therefore, that both in the King's Speech, and the Address, the subject should have been introduced in the manner in which it had been. When touching upon this branch of the Speech, it could not fail to recur to him, that many a long year before Mexico, Colombia, Buenos Ayres, or Peru, had even dreamt of nobly struggling for, and establishing their independence, there was a struggle for liberty, a fighting stand to conquer national independence, made by another people, who had embarked in a successful contest for personal and individual freedom—he meant the great island of St. Domingo, which had long and long since succeeded in establishing its entire independence, upon a more peaceable, and now a more assured footing, than even Buenos Ayres or Colombia, the best established of the new South American States. His belief was, that at the onset of the St. Domingo revolution, England was hostile to the interests of the natives of that island; she became so from the cruel situation of her people as slave-masters. This it was which blindly led her to dislike the emancipation of the slaves of St. Domingo. But, a new state of things had since arisen, and the question of slavery, so far as St. Domingo could be connected with it, had been long since set at rest; for the natives had entirely emancipated themselves, and the island had become a thriving and powerful empire—one which had a right to be included in the protecting branch of the British colonial system: it was clearly the interest of their own colonies that it should be so: they owed this policy as well to the protection of their own colonial whites as they did to their own unhappy slaves; and, in carrying it into effect, they ought to lose no more time than was actually necessary for arranging the acknowledgment, in the same manner as they had lately, in the South American States, and for more than the same reasons which had, at length, produced—some might say extorted—that just and salutary policy. Now, he would ask, was this display of liberal policy to stop here? Was this essential administration of justice to be confined to their foreign colonies? Was it to be restricted to the operations of their foreign trade, the branches of which were guided by men who were at the elbow of the government, and supposed to have a certain degree of colonial influence in certain quarters? Was this to be the circumference of their liberal sphere of action? Were they never to do justice nearer home? Were they never to listen to the voice of Ireland? [Hear, hear]. Was it there alone that sound policy was to be overlooked; and that, too, where one half of the empire, or thereabouts, was concerned; where a great population was oppressed by a continuance of matchless impolicy, and worse injustice, where a state of things prevailed, which put to imminent peril the responsibility of any British minister, who suffered the whole civil fabric of a large portion of the king's subjects to remain in jeopardy, because he withdrew from the adjustment of a question, which ere long must be definitively settled. He hoped that, upon the state of Ireland, they were not to be met by any crooked policy of expediency—he hoped the time was now past when they were to be told, "O, touch not such a topic, it is too delicate, there are too many, and too irreconcileable, and too various opinions afloat upon it: we must leave that alone—it is too harassing and complicating to be mooted. All other difficulties you will find us ready to meet and overcome, but, by common consent, we have arranged to steer clear of this question: the fact is, what can we do with it?—we have not two members who think alike upon this topic." Was this the way, he would ask, in which the government of this country ought to be conducted? Could they tolerate this exception from the general policy, in the case of a country so inseparably identified with their internal interests, when they had an absolute right to have upon it the undivided opinion, clearly expressed, of an

intelligible and distinct cabinet? It was worse than idle to say that the condition of Ireland was the only question on which a cabinet might be divided. We had proof, that there were too many opinions in which they were far from concurrence. It was no later than the last session, that the House witnessed—the country witnessed—one honourable colleague introducing in that House, a change in the silk laws; and witnessing also, the same measure thrown out in the upper House by another noble colleague; upheld also in that object by other members of the same administration. We had seen also measures since adopted by all the members of that cabinet which once were designated by some of its members as Jacobinical, when they were suggested by those who surround me, carried, I will say, by the wisdom and manliness of the right hon. gentleman opposite (Mr. Secretary Canning); because, backed as he is by public opinion on this question —backed by the hon. friends who fill the benches around me, and on which he would have triumphed even had he been obliged to have left office on such grounds. Is he not bound, then, to follow up his principles? Is Ireland, I again ask, bound as we are to that near, that intimate connexion, on whose peace and security such momentous interests hang, on which so much danger stares us in the very front; danger, I would say, growing out of our own neglect, and on which we are probably on the verge of a great crisis, never to be approached? Sir, it can no longer be said, or insinuated, as it was formerly said or insinuated, that scruples exist in a certain quarter which destroy all hope of giving to the Catholics the relief which they seek. Such language, indeed, I always held to be most unconstitutional — most unjustifiable — most factious. It was language of which even the ministers of Charles II. would have been ashamed. It was language which, in the better times that preceded the reign of Charles II., would have brought the minister who dared to utter it to the block [hear, hear! from Mr. W. Lamb]. I should like to hear my hon. friend, who by his cheer challenges the justice of that observation, refute it. Accomplished as my hon. friend is in constitutional knowledge, having examined every opinion respecting it—for I am sure no man is better informed on the subject than my hon. friend—I should like to hear what he could say in reply to that which I have advanced. This I know, that the greatest statesman this country ever saw, would cheerfully have gone to death rather than use such language; and yet, when so humble an individual as myself, temperately, and I trust, not immodestly repeats a doctrine which has been invariably maintained by those statesmen, to whom the constitution is so highly indebted, he is to be met with a cheer. My hon. friend cheers because a whig ventures to say, that the king's name ought not to be mentioned in this House, for the purpose of overawing or influencing our determinations. And yet, that is a principle which was never departed from, until the period to which I have alluded, and the propriety of a departure from which was never openly avowed in parliament until this night. In ancient times, it was invariably admitted, that of every act that was gracious and conciliatory, his majesty ought to have the credit; but, that whenever odious and unpopular measures were proposed, the ministers of the Crown should take the responsibility of them upon their own shoulders. This principle has been laid down by all our writers, and has been invariably acted upon even in the very worst periods of our monarchy. Yet I was only drawing a corollary from this principle when I was interrupted by my hon. friend's cheer. Unquestionably, it is a principle which has been departed from by many of the individuals of whom the present administration is formed. If any odious step is to be taken, any measure by which, perhaps, a political opponent is to be run down and injured—nothing is more common than to hear them exclaim, "Oh! I assure you it is no fault of ours, that Mr. So and So is thus used. You may easily guess who is at the bottom of the treatment he has received. It is our wish to do what is right. We are above all petty personal jealousies: we have no inclination to injure a political adversary: but there are impressions existing in a certain high quarter which prevent us from acting as we would otherwise do." And thus, Sir, is it constantly attempted to throw the load of odium on the sovereign and his immediate friends. Even when creditable measures are proposed by these individuals, the same system is resorted to. They talk of the difficulties they have experienced; and declare that God only knows the prejudices they have had to

conquer. So it used to be in the late reign with respect to Ireland The language was (I thank God that it cannot be now held), "We are free from prejudice on the subject; we acknowledge that the proposition to emancipate the Catholics is just and reasonable; but there exist in a certain illustrious quarter objections which it is impossible to obviate, although the precise nature of those objections our solemn oath as state councillors forbids us to divulge." Sir, it is a source of great satisfaction to me that that argument is at an end. No one who has marked the course of the illustrious individual who is now seated on the throne of these realms, more especially on that gratifying occasion, his visit to the sister kingdom, can doubt for a moment, that his opinion respecting the policy that ought to be pursued towards Ireland is consistent with the soundest and most enlightened principles. But this is a fact of which we cannot regularly have any knowledge of here. The private opinion of his majesty is in this country of no weight. The royal acts are the acts of the ministry. The speeches from the throne are the speeches of the ministry. But, there is a country in which such is not the case. I may advert, in support of my conviction of his majesty's opinion on the question of religious liberty, to his conduct in a country in which he acts not through his ministers, but directly as a sovereign. England has had frequent occasion to lament her connexion with Hanover. It is an ill wind, however, that blows nobody good. That connexion has proved highly serviceable to the cause of Ireland, by showing the sentiments entertained by the king, on the subject which now agitates Ireland. I allude to the royal proclamation issued last December, at Hanover, for the purpose of removing doubts respecting one of the articles of the act of the German confederation of June 1815. This, Sir, is the proclamation of George the 4th king of Hanover. It is his proclamation individually. It does not proceed from responsible advisers. Whatever blame or credit belongs to it, belongs to his majesty personally. It was, therefore, with no small delight that I read this, which I consider as a test of his majesty's real opinion. It is a proclamation deserving of the highest praise. Our government has too frequently been in the habit of imitating the governments of the continent. I wish they would do so in the present case. I hope they will take this whole leaf out of the volume of the practice of Hanover. It is a valuable hint which has been given to them—a useful admonition—a sound example of liberal policy. At least, it will for ever stop ministers from insinuating, that any one is to blame but themselves for whatever fate may await Ireland. The annunciation of the king of Hanover is one which ought to be echoed in this country. It is most wise and most enlightened. "The several professors of the Christian faith," it declares, "enjoy a perfect equality of civil and political rights in the kingdom; and in conformity with the said article, the notion of a predominant and of a merely tolerated church is entirely abolished." This, Sir, is indeed the real doctrine of toleration. The man who really means to tolerate, does not use the word. He never speaks of it as a boon. He considers it as a right, not as a favour, that every man should worship his maker in whatever mode he conscientiously prefers. He holds, that a man may be erroneous in his religious opinions, but that if he be sincere in them, it is an insult to him to say that he shall be tolerated in professing them. When, therefore, his majesty, in this proclamation, says, that the idea of a predominant and of a merely tolerated church is not to be endured, he speaks the language of a wise and liberal policy. More is added in the same sound spirit. "All Christian religious communities" (ALL;—the expression is not confined to Hanover; it is equally applicable to Ireland) "have a right to the unobstructed and free exercise of their religious worship." More than this cannot be desired. Further than this no man would wish to go. But I ask, why not apply to Ireland the principle which has been thus wisely applied to Hanover? Why will his majesty's ministers in this country, in spite of this noble example, persevere in their present offensive and unjust policy? Why do not at least some of them manfully, frankly, and boldly maintain the necessity of concession to the Catholics? I will for the present put aside altogether the consideration of the Catholic Association. I will for a moment suppose that the refusal to grant the claims of the Catholics has not produced this, its natural and genuine fruit [hear, hear!]. Sir, I have no doubt of the fact. I never had a doubt that, sooner

or later, that refusal would be productive of the most injurious consequences. I told the House so last year. I then said, "If harsh language, if extravagant propositions, if a vehement spirit, if proceedings which may be termed violent and alarming, have emanated from, and been manifested by the Catholic Association, do not blame the Association itself; but blame those who have made the Association what it is, by treating the Catholics as they have been treated; blame those who by their conduct have turned reasonable to unreasonable expectations, and converted a dutiful request into an insolent demand."

I will now, however, lay aside all consideration of the Catholic Association. I will suppose that that association, and the evils arising from it have not been created by yourselves; that they are not your handy-work. I proceed, then, to ask the friends of Catholic emancipation in his majesty's government, why, having as councillors of the king, been enabled to carry measures which were opposed by the self-same persons, who refuse Catholic concession, they do not exercise the power which has been triumphant in the one case, in the other? They have not made the experiment. How, then, can they tell that it would not be successful? Of what are they afraid? What is their ground of alarm? Are they apprehensive that the result would be the resignation of any of their colleagues? Do they think that any one of their co-adjutors, some man of splendid talents, of profound learning, of unwearied industry, would give up his place? Do they think he would resign his office; that he would quit the great seal? Prince Hohenloe is nothing to the man who could effect such a miracle [hear, and a laugh]. A more chimerical apprehension never entered the brain of a distempered poet. Any thing but that. Many things may surprise me, but nothing would so much surprise me as that the noble and learned individual to whom I allude, should quit his hold of office while life remains. A more superfluous fear than such an event never crossed the wildest visionary in his dreams. Indeed, Sir, I cannot refrain from saying, that I think the right hon. gentlemen opposite greatly underrate the steadiness of mind of the noble and learned individual in question. I think they greatly underrate the firmness and courage with which he bears, and will continue to bear, the burthens of his high and important station. In these qualities the noble and learned lord has never been excelled—has never perhaps been paralleled. Nothing can equal the forbearance which he has manifested. Nothing can equal the constancy with which he has borne the thwarts that he has lately received on the questions of trade. His patience under such painful circumstances can be rivalled only by the fortitude with which he bears the prolonged distress of the suitors in his own court; but, to apprehend that any defeat would induce him to quit office, is one of the vainest fears—one of the most fantastic apprehensions—that was ever entertained by man. Let him be tried. In his generous mind, expanded as it has been by his long official character, there is no propensity so strong as a love of the service of his country. He is no doubt convinced, that the higher an office, the more unjustifiable it is to abandon it. The more splendid the emoluments of a situation—the more extensive its patronage—the more he is persuaded that it is not allowed to a wise and good man to tear himself from it. I contend, therefore, that the right hon. gentlemen opposite underrate the firmness of their noble and learned colleague. Let them make the experiment; and if they succeed in wrenching power from his gripe, I shall thenceforward estimate them as nothing short of miracle-mongers. His present station the noble and learned lord holds as an estate for life. That is universally admitted. The only question is, whether he is to appoint his successor. By some it is supposed that he has actually appointed him, and I own I have observed several symptoms of such being the case. If it be so, I warn that successor, that he will be exceedingly disappointed if he expects to step into the office a single moment before the decease of its present holder [a laugh]. However, I do intreat, that the perseverance of this eminent person may be put to the test. Let the right hon. gentleman say, he will resign, if the Catholic question is not carried in the cabinet: let the noble and learned lord say, that he will resign if it is carried. I am quite sure of the result. The Catholic question would be carried; but the noble and learned lord would retain his place. He would behave with the fortitude, which has distinguished him in the other instances in which he has been defeated; and the country would

not be deprived, for a single hour, of the inestimable benefit of his services [a laugh].

To return, however, to the state of Ireland. Wearied by the disappointment of the expectations which they have year after year indulged; the country experiencing one crisis of distress after another; it is not surprising that the Catholics of Ireland have at length become impatient; and that, out of that impatience has arisen that Association which we are called upon in his majesty's Speech, to put down by strong legislative measures. The Speech talks of "Associations" in the plural. That is not without an object. I warn the House, however, not to be taken in by the contrivance. That little letter *s*, is one of the slyest introductions that Belial ever resorted to, in any of those speeches which are calculated to

"———— make the worse appear
The better reason, to perplex and dash
Maturest counsels: for his thoughts are low."

I am perfectly aware, Sir, by whom that *s* was added. I know the handwriting. I know the reflection which passed through the mind of the writer. "I must put the word in the plural. It will then be considered as applicable to Orange as to Catholic Associations, and the adversaries of both will be conciliated." Let not that little letter *s*, however, deceive a single person. However it may be pretended to hold the balance even between the Catholic and the Orange Associations, depend upon it it will be only a nominal equity. It will be like one of those "subtile equities" so well known in the court over which the noble and learned lord to whom I have been alluding presides. Let the proposed measures be carried, and the Catholic Association will be strongly put down with one hand, while the Orange Association will receive only a gentle tap with the other. That will be the result, if we allow ourselves to be deceived by this apparent equity. I will, therefore, not assent to the proposition, come in what shape it may. Unquestionably, it is to be regretted that the proceedings of any Association in Ireland should be irreconcileable with the constitution, or calculated to create alarm by exciting animosities. For my own part, I do not entirely approve the measures of any of the Associations. I never, that I remember, approved of all the measures of any public body; especially where religious were mixed up with civil considerations. When the feelings of men are roused, it is not surprising that they should go a step beyond strict propriety. But, making the allowance which it is but just to make under the peculiar circumstances of the case, I take upon myself conscientiously to say, after the most attentive observation and vigilant inspection of all which the Catholic Association have done and said, that I cannot discover a single word or act which justifies the charge conveyed in his majesty's Speech. The language used by the Association has been sneered at by the noble lord who moved the Address. It would be more prudent on the part of the noble lord to endeavour to imitate their eloquence, instead of venting sarcasms upon it. At the same time, the noble lord observed, that he was not disposed to treat the Association with contempt. That the noble lord should not be disposed to treat with contempt the most respectable members of the Catholic church, in Ireland, and through them, a population of six millions of persons, who will now, probably for the first time, hear of the existence of the noble lord, does not surprise me. Surprised I certainly should have been had he said he was disposed to treat them with contempt, especially when I took into the account the noble lord's good sense, moderation, and liberality. To treat such a body of men with contempt, would require a degree of superciliousness greater than even signior Pococurante could boast. Is there any one who can deny that the leading members of the Catholic Association are men of great influence in Ireland? Is there any one who can contradict my assertion, that the Association receives the hearty support of the whole body of the Catholics in Ireland? Sir, I am greatly misinformed—and I am misinformed by those too who must possess the best means of knowledge—if the Catholic Association in Ireland does not actually and virtually represent the wishes and feelings of almost all the Catholic body in that country. It is true that the whole of the proceedings of that Association may not be approved by every body. The right hon. and learned attorney-general for Ireland thought (I, for one, certainly did not agree with him) that one of the members of that Association, in the warmth of his eloquence, had gone beyond what moderation would have dictated. But when the right hon. and learned gentleman submitted that ob-

noxious speech to the consideration of 23 impartial individuals, they differed from him. To that right hon. and learned gentleman the Catholics are, however, indebted for the most inestimable services. If any man in England, or in Ireland, has contributed more than any other to place the Catholics in the condition of power in which they are now placed, he is that man. If not the father of the Association, he has armed them with their present authority. For who, after the venerated Grattan, ever pleaded the cause of the Catholics with half the strength of reasoning and brilliancy of eloquence? There are many who may not approve of all the measures adopted by the Association—of the rent for instance—but who may still be ready to adhere to the Association with their lives. To attack, by act of parliament, an Association thus representing the sentiments, wishes, and feelings of the people of Ireland, would be to attack the people of Ireland themselves. And, how are you to draw the line? How can you put down that body, and not put down, at the same time, hundreds of bodies of similar construction? Subscriptions are raised by other bodies. They are raised by other than Catholics, and for other purposes than to prevent the circulation of the bible. What is to become of the bible societies, the annual contribution of which is, I understand, ninety or a hundred thousand pounds; and which spread their branches all over the realm? These societies have enlisted under their banners many of the leaders of the great sects. They include many dignitaries of the church. At their head is a peer of the realm. One of the most active members of the Auxiliary Bible Societies is a noble lord with whom in his commercial policy I have now so often the honour to act; I mean the earl of Liverpool [a laugh]; not to mention another noble lord (Bexley), who, however we formerly differed on questions of trade, would now, I suppose, be ready to meet me at least half way upon such questions. There are other Associations which ought to be put down on the principle on which it is sought to put down the Catholic Association. Some of them are of a much more pernicious character. How can those individuals attack the Catholic Association who supported an association to which the duke of Wellington was a subscriber—the Bridge-street Association? "Oh, but," they will say, "that Association merely prosecuted the writers of libels; they did not attempt to regain the rights of their countrymen." But, is the latter a less laudable purpose than the former? Are they only to be punished who complain of the grievances they suffer? But, Sir, I mention these things merely to show the extreme difficulty of legislating on the subject. I fear I shall have but too many occasions for being more diffuse respecting it. From the very first to the very last of the proposed proceedings—on the first reading of the projected bill—nay, on the production of the papers on which the motion for leave to bring in the bill will probably be founded, I, for one, will take my stand, and give to it every opposition which a man so indifferently endowed for so great a task as I can make, to what appears to me to be an enormous mischief, bottomed in the grossest injustice, pregnant with the most fatal consequences; and which, in my opinion, must lead, sooner or later, to the severance of the two kingdoms [hear, hear,]. Sir, it would at present be no difficult task to alienate the minds of the people of Ireland from this country. They were taught to look to the British parliament for support; that support has failed them. They were advised to look up to their representatives, but there again they found themselves deceived. There is not in this House any man who more laments the fact than I do; but so it is, that the peace of Ireland is secured by the Catholic Association, and the Catholic Association alone. Ireland is at this moment tranquil. Never were the laws of the land more regularly enforced, more cheerfully obeyed in that country, than they are at present. It is true that some abuses of the administration of the laws are still complained of; yet, such is the luxury of even an approach to an equal distribution of justice amongst these poor people, that they already rejoice and feel comparatively happy. But has this feeling been produced by the government of the country? I deny it; it would be but to cloak the truth to make such an assertion—it has been produced by the exertions of the Catholic Association [hear, hear!]. The people of Ireland placed their trust in you. They found themselves disappointed. They threw themselves upon their former friends, those friends who had supported and flattered them at a period when we were surrounded by war and by danger, and they found that the war being over, and the

danger subsided, their friends took to office and to power, and deserted them. Having found this, I then ask, Sir, what resource had this body? They discovered that they had no hope from parliament; that they could not trust their friends; at least those leading friends who forsook them for office: what then, I ask, could they do, but throw themselves upon those persons who continued to advocate their cause and support their interests? But, his majesty's ministers complained of this; and why? just because it is their own handy work; a piece of machinery of their own creation, and, therefore, they hate and abuse it. They say, and very naturally, "this is our own work; we may thank ourselves for allowing this Catholic Association, this new power to grow up; but now that it has grown, we dread and would crush it." Let me ask, Sir, how can they do this? It has been well said by Swift, that nothing is more common in society than that men should first render themselves ridiculous by their actions, and then turn round and feel angry because other men laughed at them. And, Sir, there is nothing more unreasonable, and yet more common, than that bad rulers should create mischiefs, and afterwards turn round, and find fault with, and feel enraged at, those who, whilst they complained of the evil, pointed out the remedy. But, what is to be done? They tell us that the government must be kept in motion, while at the same time they vituperate and find fault with some of the members who are connected with it, and the alarm of rebellion is spread abroad. Sir, I mean to cast no reflections on any set of persons. I thank God there never was a period when disaffection was less to be apprehended in Ireland, than at present; and, in my opinion, there is only one way by which those unfortunate disturbances can be rekindled: namely, by taking legal steps to put down the Catholic Association. If, Sir, you introduce such a measure as this; if you turn a deaf ear to the complaints and sufferings of that unhappy country, if, I say, you annihilate that body which your own negligence and misgovernment have allowed to grow up, you will give an additional proof of the impolicy of your measures, and the want of attention to the interests and happiness of Ireland [hear, hear!]. This House, as well as his majesty's ministers must know, Sir, that the system now complained of, has so grown up in Ireland; they must know the strength which it has attained, and the deep root which it has taken: they may try to put it down by an act of parliament; and they may do so, in twenty-four hours they may do so; but, if they do it, or attempt to do it, then I say they are unworthy of the smallest portion of that praise which they have received, for the removal of even the most trifling restriction, which in their liberal policy, they have removed from our foreign commerce, and for the which no man is more ready to give them credit than myself. I say you may put down the Catholic Association in twenty-four hours, but if you do, it is your own fault. You are conscious of the injuries you have inflicted on that body; you feel that you have denied to it even common justice, and now its ghost haunts you. If, however, you really wish to pu tthat body down; if you wish to annihilate it for ever; then, I say, let the Roman Catholics know that you are determined to carry the question of emancipation. Let them know that you are determined, though late, to do them justice, and there is at once an end to the Catholic Association. That you may be so wise, so just, as to do this, instead of waging a harsh and impolitic war against six millions of oppressed subjects is my most sincere wish; would I could say my most sanguine hope. I beg pardon for having trespassed at such length upon the House. I have little more to add, than that I have, upon this occasion, been prevented from taking a more decided course, solely by the reflection, that at this period it would be injudicious, in my view of the question, to take the sense of the House upon it, many of its most sincere and zealous supporters being absent. So convinced, however, was I of the justice of my cause, that I could not refrain from giving this warning, and thus liberating my own mind from the guilty responsibility of an acquiescence in the measures alluded to in his majesty's Speech.

Lord *F. L. Gower*, in explanation, disclaimed any thing like an intention to cast ridicule upon any of the gentlemen who were considered orators in the Catholic Association.

Mr. *Brougham* rejoiced that he had given the noble lord an opportunity of explaining a matter which had been misapprehended both by himself and some friends who sat round him.

The Hon. *William Lamb* said, he would not have intruded himself so upon the House were it not for the observation that had been so pointedly directed against him by the hon. and learned gentleman. The cheer to which the hon. and learned gentleman alluded had been drawn from him for no other reason but this, that he thought the hon. and learned gentleman's language somewhat too exaggerated when speaking of the effect that would have been produced in the times preceding those of Charles 2nd if any person dared to talk of scruples in a high quarter. This he had thought tended to weaken the hon. and learned gentleman's argument; and that was his only motive for expressing what he felt, in the usual manner, by a cheer. The hon. and learned gentleman was pleased to observe, that he had tried all parties and opinions. He was not aware on what facts this assertion was founded. As he had never been one of those who despaired of the resources of the country, even when most depressed, so he did not wish to encourage a too sanguine feeling with respect to the extent to which our prosperity was likely to go. In the one case, as in the other, he would recommend moderation, both in aclation and in expectations. With respect to the Catholic Association, he begged to observe, that he conceived a case was likely to be made out against it, sufficiently strong to induce him to vote for its regulation, if not suppression. There were, it was true, other Associations of a nearly similar description, but they differed in this, that they did not interfere in political subjects. If an assembly of persons met, and, under the pretence of seeking redress for particular grievances, proceeded to discuss the whole political affairs of the empire, then he maintained, that such a society was a fit subject for legislative interference. Again, subscriptions for particular public purposes were perfectly legal; but, if he found that the Roman Catholic clergy were actively engaged in collecting what was called Catholic rent, he should say that it was a symptom to be viewed with great alarm. When it was considered, that the Roman Catholic clergy arrogated to themselves the power of absolution—the power of totally forgiving sins—then he maintained, that their operations ought to be looked to with great caution, and only tolerated when directed to purposes purely spiritual. Notwithstanding these opinions, however, he was now, as he had ever been, the staunch friend of Catholic emancipation. Let the conduct of the Catholic Association be what it might, still he felt that all religious distinctions ought to be removed. Whenever that question came forward, he should be found its firm supporter; but he could not help observing, that the success of it was in a great degree endangered by the imprudence, if not the violence, of some of its advocates. It should not be forgotten, that there were in this country deep and well-founded objections to that question, and that however time and circumstances might have quieted or removed those prejudices, they ought not to be aroused by any injudicious conduct on the part of those, or the friends of those, who seek for emancipation.

Mr. Secretary *Canning* said, he considered the speech of the hon. and learned gentleman opposite as directed rather against errors, supposed or imputed, which were not of so serious a nature as to tempt him to violate the unanimity which at present prevailed. It might be taken in the light of notices for discussion for the future, of the various topics upon which he touched. The hon. and learned gentleman had reviewed the principal topics of the Speech from the throne, visiting some with no very gracious approbation, and treating others with no very sparing reprobation. With respect to one subject—that of Catholic emancipation—professing as he had at all times to support it, he must still reserve to himself the right of judging as to the time the most proper for giving effect to that support; nor could he on any account consent to take his instructions from the hon. and learned gentleman. Upon that part of the Speech from the throne which referred to the Catholic Association, he had no hesitation in expressing his entire accordance with his hon. friend who spoke last—that, so far from the Association being identified with the interests of the Catholic people, its institution, and the conduct of its members, more resembled the scheme of an enemy, who had devised this as the best invention for throwing back and thwarting the further progress of the question of emancipation. If the worst enemy of Catholic emancipation had purposely sat down to devise means to exasperate the people against that measure, he could not have hit upon means more certain—he could not have imagined a plan so successfully mischievous—as the institution and conduct

of the Catholic Association. To one argument of the hon. and learned gentleman he would advert, as particularly deserving of an answer, connected as it was with a subject to which he and his colleagues had given their most serious consideration. They had asked themselves, if no steps were taken by the government for that purpose, might not the mischief die away of itself? That, for a time, was his sincere opinion: and he appealed for proofs of it to his conduct during the last session of parliament. Had the hon. and learned gentleman forgotten how ministers were then goaded to bring forward some measure to stifle the restless spirit which was then said to prevail? Had he forgotten the answer then given—that they (the ministers) thought it better to wait until it should die away of itself: and that at all events they declined calling upon the House or any extraordinary expedient until the effect of patience should have been fairly tried? The mode of treating this subject taken by the hon. and learned member was a singular one. To prove that the existence of the Catholic Association was admissible, he ought to have shown that they were a body perfectly harmless—a meeting of a few zealous individuals, who did not in any manner profess to represent the whole people of Ireland—who had no design of assuming the character of a government. On the contrary, the hon. and learned gentleman had exaggerated even beyond their own most gross and exaggerated account. He had told the House that the Catholic Association was the government of the country. "You are indebted," said he, "to the Catholic Association for the peace and tranquillity of Ireland." He remembered correctly the extent of his own prophesies with respect to the fate of Ireland. He forgot entirely, or else overlooked, the administration of the last three years. He left out of view the eminent talents and merits of the marquis Wellesley, in retrieving, by the firm and equal justice of his government, the respect and authority due to the laws. The steps taken by that great man to secure the enjoyment equally for Catholics and Protestants of the sunshine of government and the favours of the Crown, were nothing. It was to nothing of all this, that the comparative tranquillity of Ireland was attributable. No: her repose was the work of the Catholic Association! Most earnestly was it to be wished, that the current of that wise and benevolent administration had been suffered to pursue its course unimpeded, and to have flowed through the land, unmixed with any of these waters of bitterness.

"Doris amara suam non intermisceat undam."

Whatever disappointment awaited the greater measure of emancipation must be ascribed to that body. It was well for the Catholics, that they had no more consideration in the public mind. He as much confided in the eventual carrying of that measure, as he was convinced of the certainty that it would be opposed, if now brought forward, by this whole country as by one man. It seemed that the Catholic Association was the cause of the peace which prevailed. By what charm had they brought about this object. Whence did they obtain their magical elements of concord? From the pit of Acheron! Their combination was cemented by an adjuration of horror and loathing—"Be peaceable, by the hatred which you bear the Orangemen!" This was the charm by which they worked—These the means by which they proposed to extract peace out of hatred. Good God! was it for reasoning men deliberately to put such a bond of union into writing, and when called upon to explain themselves, deliberately to affirm the deed? To inculcate peace among themselves, through their steadfast hatred of their fellow subjects? Could this be Catholicism? He trusted that it was not. Sure he was it was not Christianity. He protested against any measure which might be brought down to keep the proceedings of that body within the proper limits of the laws and the constitution being treated as a measure directed against the Catholic people of Ireland, or as any device to throw impediments in the way of discussing that great question. Did the hon. and learned gentleman know—did the Catholic Association know—so little of the English people as to suppose that menace and intimidation could avail them? Could they really suppose that these would be as arms in the hands of their advocates? Did they not feel that every sentence of that kind must operate as an injunction to their advocates to hold their peace, till the impression of that violence could be effaced from the minds of the English people? Let no one consider him, therefore, as opposing the just claims of the Catholics. He did them good in every thing which he did towards ridding them of that incubus which now rode them.

He made their cause look better by removing all that was unsightly and unbecoming, and advanced it in the estimation of every man who hated to be bullied and brow-beaten. He wished to separate the Catholic Association and the Catholic question: the hon. and learned gentleman wished to confound them.—There were parts of the speech of the hon. and learned gentleman which from being addressed to himself so personally, placed him in a difficult situation, inasmuch as he must either pass by that which obviously meant to apply to him, from affected indifference, or he must detain the House with explanations which referred chiefly to his own conduct. The hon. and learned gentleman had—almost in so many words—asked him "Why do not you, who have felt your power in carrying a particular question against the views of an opposing minister, adhere to the same means" (probably alluding to a supposed alternative of resigning office), "and insist upon carrying the Catholic question also?" He objected to both premises and conclusion. Suppose the premises true, did the hon. and learned gentleman see no difference between the South American and the Catholic question? "What had a minister to fear," asked the hon. and learned gentleman, "with this House, these benches the country, all England, at his back?" To which he would propose another question, "What would a minister do with only these benches, and with no England at his back?" [Cheers.] His answer to the hon. and learned gentleman was, that he must reserve to himself the right of judging how, when, at what period, and in what manner, to give up either his office or his life in support of that or any other cause: he would not consent to have the opportunity chosen for him, especially by one who might happen to have some collateral interest in the event. One assumption of the hon. and learned gentleman's he must positively deny. He assumed the notion of a cabinet divided into two parties, and that a certain member of it who was opposed to him upon the Catholic question, was also opposed to him on that of South America. He was entirely mistaken. He assured the hon. and learned gentleman that the line which was frequently drawn between the supposed liberals and illiberals of the cabinet council was by no means a straight but a serpentine line. As it regarded the Catholic question, it was nearly straight, and direct; but, wherever habit did not arbitrarily prevail, or personal honour was not pledged, the members brought their minds to the discussion totally disengaged. The project of breaking it up and forming a completely new one from the different benches of that House, would be found not quite so easy in practice. No doubt a competent ministry might be selected from the benches opposite; but if the hon. and learned gentleman could have the satisfaction of ousting him, he would not, in all probability, have the satisfaction of succeeding him. All he desired, either of him or the House, was to consider rightly the terms which were objected to in the Address. The king stated in his Speech, that associations existed in Ireland which had adopted proceedings not reconcileable with the laws and the constitution. As those proceedings tended to public mischief, it was recommended to parliament to consider of an adequate remedy. The House of Commons was about to reply by promising that it would do so. What less could the House do, unless they took the description given by the hon. and learned gentleman of the Catholic Association, as a body possessing the whole authority in Ireland, enjoying undivided allegiance, exercising all the powers of government, issuing the only commands which were effectually obeyed, and levying revenues? Unless they were prepared to say, that a power thus formidable ought to exist—that it had a right to sit beside the government, or to tower above it—they could not refuse their assurance to the Crown, that they would take an early opportunity of considering the means of putting down so enormous an evil. Nothing less could be proposed in reply to the Speech, unless they were prepared to say, that the Catholic Association ought to exist in this unlimited authority and plenitude of power.—The hon. and learned gentleman seemed to treat lightly all those measures which the prevalence of a liberal policy had adopted for the advantage of the silk and other trades, and the steps taken towards the recognition of the new South American States. The hon. and learned gentleman was not an unfrequent speaker in that house, and when he did favour them, he was not generally remarkable for being concise; having, in the course of his parliamentary life, proposed and supported almost every species and degree of innova-

tion, which could be practised towards the constitution, it was not very easy for ministers to do any thing in the affair of South America, without borrowing, or seeming to borrow, something from the hon. and learned gentleman. Their views might be shut up—by circumstances which they must consult, though he need not—like as among ice in a northern winter. In time the thawing proceeds so that they were able to come out. But, break away in what direction they would, whether they took to the left or right, it was all alike. "Oho!" said the hon. and learned gentleman, "I was there before you—you would not have thought of that, now, if I had not given you a hint." In the reign of queen Anne there was a sage and grave critic of the name of Dennis, who, in his old age, got it into his head, that he wrote all the good plays that were acted at that time. At last, a tragedy came forth with a most imposing storm of hail and thunder. At the first peal, "That's my thunder," said Dennis. So, with the hon. and learned gentleman there was no noise or stir for the good of mankind, in any part of the globe, but he instantly claimed it for his thunder. All the commercial advantages which the country had reaped by the repeal of the duties on silk or cotton, or the reduction of the taxes; in fact, all popular measures whatever, were selected by the hon. and learned gentleman as his peculiar handy work. One thing, he had, however, kindly thrown overboard, which was to be divided between government and his hon. and learned friend the member for Knaresborough, and that was the subject of South America. He wished to hear from the member for Knaresborough to what degree he claimed South America for his thunder. The hon. and learned gentleman was very cautious in his praise. Much had been done to which he could not object; but then, for fear that ministers should feel too proud, he suggested that things might have been better, especially as to time. Now, if he piqued himself upon any thing in the South American negotiations, it was upon the subject of time. As to the propriety of admitting states which had successfully shaken off their dependence on the mother country to the rights of nations, there could be no dispute. There were two ways of proceeding where the case was more questionable—recklessly, and with a hurried course, to the object, which might be soon reached, and almost as soon lost—or by another course, so strictly guarded, that no principle was violated, and no strict offence given to other powers. The three States with which the British government had to deal, were Buenos-Ayres, Colombia, and Mexico. He flattered himself that he could satisfy the House, that no earlier could either of them have been recognised. As to Buenos Ayres, it was undoubtedly true, that the Spanish forces were sent away many years since. Long ago the contest with the mother country had ceased. But his hon. and learned friend knew well, that Buenos Ayres comprised thirteen or fourteen small and separate states, which were not till very lately collected into any federal union. Would it not have been an absurdity to have treated with a power which was incapable of answering for the conduct of the communities of which it was composed? So soon as it was known that a consolidation had taken place, the treaty with Buenos Ayres was signed. Next, as to Colombia. As late as 1822, the last of the Spanish forces were sent away from Porto Cabello, which was, up till that time, held for the king of Spain. It was only since that time that Colombia could have been admitted as a state of separate existence. Some time after that, however, Colombia chose to risk her whole force, and a great part of her treasure, in a distant war with Spain in Peru. Had that enterprise proved disastrous, the expedition would have returned with the troops to re-establish the royal authority. The danger was now at an end. The case of Mexico was still more striking. Not nine months ago, an adventurer who had wielded the sceptre of Mexico left these shores to return thither, and re-possess his abdicated throne. Was that a moment at which this country ought to have interfered to decide, by recognition, the government for Mexico? The failure of the attempt of that adventurer afforded the opportunity for recognition; and, the instant the failure was known, the decision of the British cabinet was taken. Therefore, so far from the time being ill chosen—so far from the measures being tardily adopted—it was not physically or morally possible to have anticipated them, even by a few weeks. Now, with respect to the mode in which this great object has been effected, he was bound to say, whatever fault had been found with it,

that it was the best and wisest that could have been adopted. His noble friend, who had opened this debate so creditably to himself, and who, he would add, had discovered, in his subsequent observations, short as they were, powers to vindicate himself, which proved that he was perfectly able to take a conspicuous part in the deliberations of that assembly, had already touched upon this topic in a very satisfactory manner. Still, however, he felt it necessary to say something further on the subject. The hon. and learned gentleman had said, that there was something mean and paltry in negociating a treaty, as the prelude to recognition. He wished the business to have been concluded in a more summary way. He approved of the act itself in the abstract, but he objected to the mode in which it was effected. Now, to go back to a period of British history which was perfectly well known to all, he would ask what was the conduct of France with respect to the United States of America? The fact was, that the ambassadors of the United States were not admitted to the court of France, until the signature of a treaty. Such was the mode of recognition in that case; and the treaty was quoted to this country as a confession of that act. But, this was not all. France not only acknowledged the independence of the United States before it was recognised by the mother country; she entered into a treaty of alliance, offensive and defensive, with those states; and thus she became the enemy of England, with whom she had previously maintained relations of amity. He wished that those who opposed the course adopted by his majesty's ministers would speak out: he wished they would state explicitly why they objected to the mode in which the recognition was effected. Did they intend to argue, that this measure was imperfect, because it was not accompanied by war? Did they dislike it, because it was not accompanied by military preparation? The task which he had to perform was, to arrive at this great object—an object in unison with the wishes of the country—without giving just cause of war to France or any other power. There might be something mean and huckstering in this mode of proceeding, at least so the hon. and learned gentleman seemed to suppose; but, if he thought that war was not to be had, without some little dexterity (a laugh), he was exceedingly mistaken. War lay here and here; it was on the right and on the left of our path; our course lay in the middle: we took that course, and arrived at the object of our solicitude honourably and peaceably. Was this mode of proceeding unsatisfactory, because there did not exist in the archives of his office a single document relative to this question which Spain had not seen, and of which the powers in alliance with this country had not been supplied with copies? Was this transaction deemed unsatisfactory, because Spain was told, that if she would take the precedence, in recognising the independence of the colonies, this country would be content to follow her steps, and to allow to her a priority in the markets of those colonies? Was the arrangement unsatisfactory, because, proceeding alone, England disdained to take any unfair advantages of a friendly state? Was it unsatisfactory, because we saw, that whoever might follow us in recognizing the independence of those states, would be placed by our side, and would enjoy equal advantages with ourselves? The hon. and learned gentleman admitted that he approved of the measure, but stated that he disapproved both of the mode and the time. Now, he would say to the hon. and learned gentleman in return, that the credit of the measure might be his, or it might be that of his hon. and learned friend (sir J. Mackintosh); but he (Mr. C.) would claim for himself the merit of that to which the hon. and learned gentleman affixed blame—namely, selecting the time, and devising the mode, in which this object was to be effected. And he trusted, that by this plain conduct, by this temperate—this tardy policy, if they pleased so to call it—the country had got rid of all the dangers which otherwise would have accompanied the recognition. Did they not know—could he attempt to conceal—that by this step England had offended many interests? Had she not called forth many regrets? Had she not excited much anger? Had she not raised up considerable ill-feeling? Had she not created passions of no favourable nature? This was the fact. Still, however, he entertained the most sanguine hopes, that those evil feelings and angry passions would exhale themselves, and subside in mere words, and that the peace of the world would continue to be preserved. Notwithstanding the unsparing blame which the hon. and learned gentleman

had cast on the work which had been just completed, he (Mr. C.) thought that ministers had done their duty, on this point at least; and he was ready to abide the judgment of the House and of the country. He did not think there was in the speech of the hon. and learned gentleman any other topic that called for particular notice. The hon. and learned gentleman had satisfied himself by entering his protest, with respect to the only matter of dispute that was likely to grow out of this Address. He was ready, when the proper time arrived, to meet the hon. and learned gentleman on that subject, feeling perfectly confident, that he should be able to show that the interposition of the legislature was absolutely necessary. There were one or two points which he was not exactly called on to notice, but on which it would, perhaps, be proper that he should say a few words. He alluded more particularly to the treaty with the United States of America relative to the slave-trade. The House would recollect that, at the beginning of the last session of parliament, a proposal was received from the United States of America, to carry into effect a measure for putting an end to the slave-trade, by giving to each power the right of mutual search. The treaty was drawn up by the ministers of the United States; and in the course of the negotiation, some alterations in the treaty were made in it here. By the constitution of the United States, the power of ratification was placed, not in the Executive, but in the Executive and the Senate also. This country, therefore, had no right to complain, when a treaty, regularly negociated and signed by his majesty, was refused by the American authorities, unless alterations were made in it by the United States. But, the singularity of the case was this—that the alteration proposed by the United States had no reference to the alteration introduced by the British Cabinet, but was an alteration of their own original draught of the treaty, by withdrawing the clause granting the reciprocity of search. The right of mutual search on the coast of America was the condition of the original treaty, but this the United States withdrew; the consequence of which, if we consented to it, would be, that the Americans would have the right of search in the West-India seas, while it would be denied to us on the coast of America. As a matter of justice to the West Indies, it was impossible to acquiesce in this proposal; since it would admit, by implication, that the Slave laws were evaded by our colonists, which he denied, and were not evaded by the Americans on their own coast. The course we then took was this—the United States had made an alteration which we could not admit, and we proposed to cancel the first treaty, and had sent out full powers to negociate another treaty, verbatim like the former, with the single exception of the word America. The refusal to ratify such a new treaty on the part of the United States could not stand the test of public discussion. By raising the offence of slave-trading into piracy, we gave a test of our sincerity, which admitted of no contradiction. It seemed to him, therefore, that after a little cool reflection, the Americans would feel that they had no choice but to adopt the course we had recommended. He had much satisfaction in adding; that the whole discussion was carried on without the slightest breach of amity, and with the best personal feelings on the part of the Executive towards this country. He was not aware of any other topic that required explanation. He would abstain from going more into detail until some future period, when detail would be more necessary, and would therefore trouble the House no further.

The Address was unanimously agreed to, and a committee appointed to draw it up.

HOUSE OF COMMONS.

Friday, February 4.

ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION]. Lord F. L. Gower brought up the report of the Address in answer to the King's Speech.

Mr. *Hobhouse* said, he could not allow the report to be brought up, without expressing his hope that the House would indulge him in one or two observations. It had been for some time so much the fashion to consider his Majesty's Speech at the opening of the session, as a mere matter of form, and that no member of the House was pledged by any assent he might appear to give to it, that it was unnecessary to divide the House on points which might appear, and which to him certainly did appear, of the utmost importance. Were it not for the prevalence of this opinion, he was sure there were very few gentlemen on his side of the

House, who would not have thought it necessary to take the earliest opportunity protesting against the Address which was voted last night. For his own part, he had never heard an address in answer to a King's Speech, which called more imperiously on those who considered the true state of the country, to protest against portions of it, than that which he had heard last night. He was sure, that, in the very able and powerful speech which was addressed to the House by his hon. and learned friend (Mr. Brougham), there were many points introduced which would engage the most serious and anxious attention of the country. His majesty's Speech told them, that the country was enjoying the highest state of tranquillity and prosperity, and it congratulated them on the general tone of amity which characterised our relations with foreign powers. But he would call upon the House and the country to mark what it was that his Majesty's Speech, after having laid down these premises, requested them to do. In this state of internal tranquillity, when even Ireland was said to partake of the common prosperity, the first thing they were called on to do was to change the penal code of that country, and even of England itself; and then with respect to our relations with foreign powers, we were called upon to do what must naturally excite their suspicions. If we were afraid of exciting their suspicions, which he was sure we were not, and which the right hon. gentleman (Mr. Canning) had shewn he was not, by an augmentation of the number of our forces; what more could they have been called upon to do, if the right hon. gentleman had come down and stated that there was every probability that, in a short time, Ireland would break out into open rebellion, and that the Holy Allies would march their armies to the shores of France to menace our own coasts? It was impossible that hon. gentlemen, who entertained the opinions of his (Mr. H.'s) side of the House, could sit quietly in their places, and allow such a speech to be made, without taking the earliest opportunity of entering their protest against it. There was one topic which had been so ably handled by his hon. and learned friend, and which would so shortly become the subject of discussion, that it was not necessary for him now to allude to it. At the same time, he must say, that if the House had not shewn a disposition to cut short all debate after the very eloquent speech of the right hon. Secretary, he should have taken the liberty to object to one or two points which the right hon. Secretary had stated, as if he knew them, and they were therefore to pass as current facts. There was one point in the right hon. Secretary's speech which he could not forbear noticing. The right hon. Secretary, in alluding to the new penal law which was to be enacted against the Catholics of Ireland, had stated, to his great surprise, that none but the enemies of Ireland could consider the Catholic Association as a body representing the feelings, wishes, and interests of the Catholics of Ireland. He should like to ask the right hon. Secretary, what portion of the Catholics in Ireland were the dissentients? He could refer to documents, which furnished the most irresistible evidence that there were no dissentients. He was not now giving any opinion as to that Association, but he should like to know, if it did not speak the feelings and opinions of the Catholics of Ireland, who did speak those feelings and opinions? Was it the right hon. Secretary who spoke those feelings and opinions? Was it the learned gentleman opposite (Mr. Plunkett), who, with all his talents, he was sorry to say, did not seem entirely to merit the eulogium which he thought his hon. and learned friend had improperly pronounced upon him last night. He hoped he should never be accused of putting his own opinions in competition with those of a gentleman of such high and splendid talents; yet at the same time he must judge of men by their acts. It was in vain to talk of the abilities of learned persons, who were placed in responsible situations, if unfortunately it should seem that there was the stamp of folly upon every thing they attempted; certain it was, at least, that ill success had attended all the efforts of the right hon. and learned gentleman opposite. The right hon. and learned gentleman, somehow or other, had contrived never to attempt any thing in which he had not failed, and never to join any party which did not seem glad to take the earliest opportunity of getting rid of him. If the Association was not the representative of the feelings and opinions of the Catholics of Ireland, he again asked who were; and where were the dissentients? So far from the Association not representing the feelings and wishes of the Catholics of Ireland, if he

had not misread what he had seen in the public papers, he believed it to be the representative, not only of the feelings and wishes of the Catholics of Ireland, but of the Catholic population of England. How did the right hon. Secretary account for the most numerous assemblage of the Catholics of England that ever met in this country having agreed to a vote of thanks to the individual who was the life and soul of the Catholic Association? It was in vain for the right hon. Secretary to say that he did not think that Association ought to represent the feelings and wishes of the people of Ireland. He might think the proceedings of that body extremely indiscreet; but it would require something more than the word of the right hon. gentleman—it would require something more than his mere assertion, to prove to the people of England and Ireland, that the Association did not, at this moment, represent the feelings and wishes of the Catholics of Ireland. If they did not represent them, why, in God's name, legislate against them—why was the right hon. Secretary afraid of them? Why did his majesty, in the Speech from the throne, take the earliest opportunity of recommending parliament to put down those who, according to the right hon. gentleman, were not worth putting down? If they represented nobody—if they had no power—no injurious effect could result from their proceedings. The fact, however, he believed to be just the contrary of what was stated by the right hon. Secretary. He believed, and indeed he knew, that the Catholics of Ireland were never so united as at the present moment. This was the fact that terrified the right hon. Secretary—this was the fact that terrified those, at least, who recommended the insertion of that paragraph of his majesty's Speech, which related to the Catholic Association, who were not really regarded as an insignificant body, and as the non-representatives of the Catholics of Ireland. So far from the Catholic Association being an incubus, pressing down the exertions of the Catholics of Ireland, it was the unanimity, the spirit, and the practical energy which that body had given to their exertions, which had excited the alarm of his majesty's ministers, and had made them think it necessary to put it down. It had been styled an imperium in imperio; and yet the right hon. gentleman represented them as possessing no power, no authority. Where, then, was their empire? Why, instead, of being treated as dangerous enemies of the constitution, were they not rather treated with disregard and contempt? Having alluded to what appeared to him to be a strange inconsistency in the speech of the right hon. Secretary, he must declare that he would never give the humble sanction of his vote to any penal enactment against the Catholic, or any other association. Good God! how long had Orange Lodges been endured; and not only endured, but supported; and not only supported, but encouraged and contributed to, by some of the most influential men in his majesty's government. He was quite satisfied, that any penal enactment against the Catholic, or any other association, would be a much more fatal inroad on the constitution, than any thing that could be effected by that body, powerful as he believed it to be, and powerless as the right hon. Secretary thought it, or rather thought it ought to be.—He now came to a topic, which, to his extreme astonishment, had not been touched upon at all last night; he alluded to the augmentation of the army.—They were told that the Burmese had made an attack upon some of our settlements in India. The unprovoked aggression which the Burmese had made upon the territories of the merchants of Leadenhall-street—a body, which, from the language it used, could never have made an unprovoked aggression upon any state [a laugh]—the unprovoked aggression of the Burmese, he repeated, was now assigned as one of the reasons for this unexpected augmentation of our military establishments. The whole excuse for this extraordinary measure, as given in his majesty's Speech, was "the state of India, and circumstances connected with other parts of his majesty's foreign possessions." He hoped he should not be thought intruding improperly on the attention of the House, if he asked, before this address was brought up, what was meant by the words "the other parts of his majesty's foreign possessions." The noble lord who had proposed the address last night with so much eloquence and good taste, had told them, that Ireland was not included in the words "other foreign possessions." As he had the noble lord's authority for it, he believed that assertion to be correct. He was glad, very glad, to hear that it was not intended to increase our military establishment in Ireland; but unless ministers intended to back their new penal law against the Ca-

tholics with a military force, it would be in vain for them to try the effects of mere acts of parliament. To what part, then, of our foreign possessions was this allusion to apply? The augmentation of our force was rendered necessary, said the noble lord, in consequence of the struggle that was now carrying on in the Mediterranean—alluding, he supposed, to the war raging between the Ottoman Porte and Greece. It would be gratifying to every man in the country to find that the right hon. gentleman opposite felt himself strong enough in the cabinet to take some decisive measures in favour of that unfortunate but glorious nation. At the commencement of the last session he had stated his opinion to be hostile to our interference with Turkey in behalf of the Greeks; but events had occurred since that time, which made it proper, in his opinion, for the British government to interfere, and to urge upon the Ottoman Porte the utter impossibility of its ever again recovering possession of that part of the continent and islands of Greece that had now achieved their freedom. If, therefore, it were possible, some attempts should be made to put a stop to a struggle which could only be protracted to the injury of that country, which the policy of England seemed to have an interest in supporting; and if it was the object of the government to maintain that empire as a bulwark against Austria, or the more to be dreaded power of Russia, their wisest policy would be to render Greece independent. But he could not flatter himself that that was the view taken of the subject by the noble lord; he could not flatter himself with the thought, that the British government meant to tell the Turks, that it was necessary to the preservation of the balance of power in Europe, and the diffusion of the happiness of mankind, that they should never again impose on the Greeks their accursed yoke. What, then, was he to think of the augmentation of the army? Was the right hon. Secretary afraid that Canada was in danger? He had heard it whispered, that in case a certain gentleman should be elected to the presidency of the United States, his well known opinions, with respect to England, were so hostile, as to excite alarm. He mentioned this circumstance in close ignorance and darkness; but this darkness and ignorance were not his fault, but the fault of the government, who, in the ninth year of peace, proposed the augmentation without assigning the reasons. Without presuming to pry into the secrets of cabinets, he might, perhaps, be allowed to ask, whether this increase of our military establishment had any reference to the new line of policy, if it were new, which had been adopted by the right hon. Secretary, with regard to the Holy Alliance? He only asked those questions, which were put to him by every man he met in the street, and what every man had a right to demand to be explained, before he consented to any increase of the army. We had now an army of 73,000 regulars—a body of troops which far exceeded any thing that was contemplated twenty years ago as a peace establishment. We had a right to know to what extent, and for what purpose, this increase was to be made. Some said 5,000 men, others 10,000, others 15,000, and others again as much as 20,000 men; and to these inquiries the country had a right to categorical answers. He could not find, either in the Speech from the throne, or in that of the right hon. Secretary, any mention made, or even the least allusion, to the military occupation of one friendly power by another friendly power; a circumstance which had been pronounced on all hands, even by the right hon. Secretary himself, as the most unjustifiable aggression which could be found in the annals of usurpation. The people of England had a right to know, whether this monstrous injustice, which no time could efface, was to be perpetuated for ever. We had suffered one of our allies to annihilate the independence of Italy; and there had been no call for arming then; on the contrary, it was contended in that House, that every thing which Austria had done, had been done with a justifiable view of consolidating her power, and preserving her own dominions from danger. We had suffered another of our allies to subjugate the independence of Spain; but there had been no call for arming then, or at least only from that side of the House whose calls were not often attended to by the majority of it. But now, because the Burman empire, of whose very existence few men knew any thing, chose to attack the East India Company, and because there were other circumstances connected with our foreign possessions, which were not specifically mentioned, and of which nobody knew any thing, our army was to be augmented, and no inconsiderable additions were to be made to it. He contended, that the House would be guilty of

an act of flagrant injustice to the people of England, and of a gross neglect of its own duty, if it permitted the address to be brought up, without demanding from ministers a further explanation than any which they had hitherto thought proper to give. There was another topic on which he had heard no observations made last night. It was said, that this augmentation was not to cost the country much, because the East India Company was to pay most of the troops of which it consisted. He cared not who paid them; he had rather, however, that the people of England did not. His objection went deeper, and was to the augmentation itself. It must, however, at any rate, cost something; and he thought that the chancellor of the Exchequer, when he came to explain his budget, should tell them how far his intention of making further reductions in the weight of taxation had been paralyzed by this scheme to augment the army. He hoped that some of the reductions which the right hon. gentleman intended to make would apply to the direct taxation of the country. Much as the people were inclined to applaud the liberality of his policy, still they laboured under a conviction that a reduction of direct taxation was imperiously called for. He had thrown out these observations not with any intention of dividing the House, but that he might not be supposed to concur in many of the topics which the Speech contained. He joined, however, in the congratulations upon the improvement of the agriculture and commerce of the country; and, he might also add, upon the improvement of ministers. He cared little who was to have the credit of the changes which had taken place—he minded not whose was the thunder: if it spared the subject, and beat down those who were proud, he was glad that it had descended, and was perfectly regardless as to the quarter from which it had come.

Mr. *Pelham* addressed a few words to the House, which were quite inaudible in the gallery.

The *Chancellor of the Exchequer* observed, that at the very moment that the hon. member for Westminster had made his appeal and put his question to him, he had furnished him (the chancellor of the Exchequer) with the answer which it would be his duty to give. The hon. member had said, that it had now been the practice for many years to frame his majesty's Speech, and also the reply to it, in such a manner as not to involve the House in any specific pledge as to the course of measures it might subsequently pursue. If such were the case, was it not a little inconsistent in the hon. gentleman to call upon ministers to explain in detail the propositions which they intended to submit to parliament, and also the reasons on which those propositions were founded? The hon. member had stated that he had no doubt but that he (the chancellor of the Exchequer) would be ready, when he brought in his budget, to state the reasons why he conceived this augmentation of the army necessary, and also the measures whereby he intended to provide for the payment of it, and to effect a further diminution of taxation. It would be his duty at an early day to take the course which the hon. member had pointed out; and he should then certainly enter into the amplest details of the propositions which he intended to submit to the House. It might, indeed, be more convenient to the hon. member, to hear those details on the present occasion; but he was sure the House would see very many reasons why it would be highly absurd for him to give them. He should therefore postpone his explanation to a future day. At present he would merely observe, that though the augmentation of the army seemed to him absolutely necessary, he should be able to accompany it with a reduction of taxation, which he trusted would appear to be founded on sound principles, and be generally acceptable to the country. He was glad to have this annunciation to make to parliament; because he had been told, in the course of the last session, that the reductions which he had made at that time left the public a blank and dreary prospect for the future. He had not then ventured upon any prognostics; but he felt at the time a strong presentiment, that at the commencement of the present session he should be enabled to persevere in the course on which he had entered; and he now had the heartfelt satisfaction of stating to the House, that that presentiment had been fully realized. The whole burthen of the speech which the hon. member for Westminster had just made was contained in these words, "What are the grounds on which you, the ministers, call upon the House to sanction this increase of the army?" The hon. member, in putting that question, had alluded to what had fallen last night from the noble mover of the address; namely, that there

was nothing in the state of Ireland to require an increase of our military establishment. His majesty's government did not pretend to say that there was any thing in Ireland which required the presence of a single additional soldier. The same was also the case in England. Indeed, his majesty's Speech distinctly stated, that the augmentation of the army had reference, not to the internal, but to the external circumstances of the country. The hon. member had also treated the Burmese war as a matter of great indifference; but that was not surprising, considering that most people treated with indifference a distant danger. The hon. member had also said, that he knew nothing of the Burman empire, except its geographical situation; but for all that, it might be a very formidable power, and calculated to inflict no small detriment upon our possessions in India. Any man who considered the peculiar nature of our empire in India, and how it had arisen, almost in spite of its rulers, into its present extent and magnitude, would see that whatever tended to disturb the tranquillity of any part of it, was calculated to produce effects much more important than any which would enter into the imagination of a casual observer, or of one who only knew the Burman empire by mere hearsay. When the subject of our Indian relations should be brought before the House he trusted his majesty's ministers would be fully able to show that the proposition was founded in sound policy, and was not liable to the objections which the hon. member had urged against it; for it was not an increase made in time of profound peace, but an increase made in time of active war. With regard to the words, "our other foreign possessions," he referred him to the time of the debate for information of the details regarding them, which his right hon. friend would at that time willingly afford. He could not conceive how the hon. member, who generally looked abroad with a philosophic eye, could view our foreign possessions without seeing how widely different their present state was from their state twenty years ago. The establishment which defended them twenty years ago was utterly inadequate to their present defence; so great had been the change in their relative situations to each other, and also in every thing which surrounded them. In England, in case of any sudden danger, the minister could call upon the people to support the government with its resources; and if the call was just, it was certain to be successful: but, in our foreign possessions, which were widely scattered over the face of the earth and the waters, those resources could not be immediately called into action; and it would therefore be unwise to leave them exposed to all the dangers of sudden invasion. These were the general grounds, without entering into further details, on which he thought that it would be successfully argued, that there were just causes for increasing the army. He expected, however that the hon. gentleman, if he took his information of the extent of that increase from the sources which were open to the public, would be greatly disappointed, when he learned what that increase was really to be.

Colonel *Palmer* said, that, notwithstanding the speeches he had heard upon the address, he rose with exactly the same feelings which he had stated to the House when last he ventured to address it, and which he must still avow in the face of all the praises which had since been showered upon the government, and especially upon the right hon. gentleman who had been declared to be its brightest ornament, and the object of the esteem and admiration of all parties: for if such praises had been merited, his own opinions were as unjust as illiberal, and he owed to the right hon. gentleman, his colleagues, and himself, to defend the language he had held, or to acknowledge his error. And first, as to the right hon. gentleman: what had been the ground of the unqualified applause bestowed upon him, in the last session, by hon. and learned friends, whose talents and political integrity had given the greatest weight to their opinion? The right hon. gentleman was said to have done himself the greatest honour, by the way in which he had spoken of a gallant member of the House, because his language had been a severe rebuke to the governments who had endeavoured to degrade that gallant individual; but, if the right hon. gentleman's language had been a rebuke to other governments, how much greater to his own, who, in that very instance, had set the others the example? Nor could he help telling the right hon. gentleman, as he had told him in the case of her late majesty, that as a minister he would have acted more consistently by the Crown and by his colleagues, as well as by the interests of the

parties, in defending them in the cabinet rather than in that House, and by making the adoption of his opinions there the condition of his holding office. Where, then, in this, had been the great merit of the right hon. gentleman, or what the real difference betwixt his colleagues and himself, but that others had acted openly, whilst he would conceal his conduct? For as foreign minister, he had stood foremost in the cabinet, the betrayer of his country; whilst, like Judas, he denied it to the people, and had thought to screen himself by dining with a radical lord mayor, or by his brilliant speeches, which, like brilliant tricks, were most admired when least understood. If he had misrepresented the right hon. gentleman, he hoped to be set right; for nothing could be further from his intention, nor more painful to himself, than the personal attacks which public duty had compelled him to make; but, considering the right hon. gentleman, as minister, the enemy of his country, the greater his talents and popularity, the more dangerous he was, and the more necessary to grapple with, and endeavour to unmask him to the nation. As an actor on the political stage, the right hon. gentleman stood unrivalled, both as to the variety of parts he could assume, and his excellence in each. But the merit of an actor was no merit in a minister; for he should appear but in one character, and that so fair and open, as to leave no room to hang a doubt upon; whilst that of the right hon. gentleman was neither to be found in his conduct nor his speeches, wherein he always charmed his hearers and brought down thunders of applause, but as to his real policy, contrived to keep them in the dark. What stronger instance than his late speech, wherein he boasted of the applause of the whole nation to the very echo which applauds again, whilst he deplored her immorality, and taxed her with being ready to assist Ferdinand to strangle infant liberty in Spain. And who but himself could understand his meaning; whether as the friend of liberty to exclaim against the baseness of his country, or only as the greater rogue to cry out first, and reproach the majorities of the House, in like manner, but in less homely terms, than were said to have been used by a certain kitchen article when abusing its companion on the fire? The conduct of his opponents in the cabinet was at least open and intelligible, and in fact more wise: they saw the folly of his half measures, and the necessity of either abandoning their system, or of joining despotism to support it. In the mean time, betwixt the stools of their contention, Spain had fallen to the ground; and England, without a change of measures, must fall at last. Never yet did she stand so degraded and despised in the eyes of Europe and the world, as under her present government, composed of parties openly professing opposite principles, whose mutual jealousy and hatred were notorious to the whole country, and who literally agreed in nothing but to keep in place at the expense of their own honour and consistency—a ministry of whom one half were endeavouring to destroy the press, whilst the other encouraged her defenders. Who, for instance, had so boldly contended for the freedom of religious discussion, and so loudly condemned the prosecutions of the government for libels, as the late hon. member for Portarlington (Mr. Ricardo), whose loss was deplored in the last session by the liberals of the Treasury bench, as of one of the most enlightened and valuable members of the House; whilst the secretary of the home department declared his feelings upon the subject, by rejecting the prayer of a wretched petitioner, who had suffered nearly four years imprisonment for a libel not half so dangerous to the system of the government, as the last motion and speech of the late lamented member. Or, what had been the guilt of this offender, compared with the author of a late political history of Ireland, which, at the present alarming crisis in the state of that country should be read by all who wished for real information upon the subject? He remembered, at the close of a former session, meeting a party of the cabinet at the Caledonian chapel, where a popular preacher concluded one of his orations with earnestly exhorting the ministers present to carry the bible with them to their country seats, to purify their souls during the recess; but, considering the little benefit they had derived from the advice, he would recommend the trial of another remedy, of a more searching nature, which had been expressly prepared for their own case by the celebrated captain Rock, being the publication he had alluded to; and if this should fail to move their consciences, he knew of nothing but the liquid lake described by their Scotch pastor, that was likely to bring them to a sense of their

errors. But, however that might be, he challenged them to read and answer this book, which contained a short but complete history of the causes of the present state of Ireland, and a true picture of the moral and religious feelings of the patrons of the bible society. The great Founder of Christianity reproached the high priests and pharisees of the Jews with being hypocrites; but, what would he have said to the present gospel-teaching ministers, who propagated his doctrines throughout the globe in the teeth of their conduct to that unhappy country? *If* further proof were wanting, what stronger than the case of the late missionary Smith? For who, after all, were the real authors of the insurrection at Demerara? Not the zealous missionary; not the unhappy slaves; nor their more unhappy masters, whom he believed, if not for humanity, at least for their interests' sake, to be as anxious to protect their slaves as the estates they worked upon; nor, lastly, did he accuse the military or civil authorities of the settlement, placed by the government in so cruel a state of responsibility and danger; but the ministers themselves, who, to serve their political purposes, had encouraged these missionaries, in the teeth of their own admission of the folly and danger of their proceedings: for, in the last session, they had declared the missionary Smith to have been the cause of the insurrection, whom the bible society had held up as their best and most exemplary agent. And what was the truth betwixt them? The right hon. gentleman, with the usual consistency of his speeches, condemned the missionary as guilty, whilst he deeply lamented his fate; but in justice to the character of the deceased, he should have proved his charge, and spared his lamentations, which only injured the accused by their semblance of candour. For himself, he believed that no unprejudiced mind could have read the evidence without a conviction of the truth and sincerity of the deceased's declarations of his innocence; that, however mistaken in his religious feelings, he had been actuated by a pure and disinterested zeal in the cause, and, like the apostles, in going forth to preach the gospel, had taken neither scrip nor purse. But, in thus defending his moral character from the base motives which passion, prejudice, or cold-blooded policy had imputed to it, he must equally avow his contempt of all these bible societies, which, whether composed of knaves or dupes, were alike false, absurd, and dangerous to the last degree, but connived at by ministers to cover the still greater imposture of their government. The right hon. gentleman, to adapt his eloquence to the spirit of the times, and to tickle the bible society, as he had tickled his learned friends, by his praise of the gallant member for Southwark, had declared the Shibboleth of his policy; and, comparing its treacherous and inhuman consequences with his far-fetched story from the bible, he could not have hit upon a better word; but for his policy, he had always proclaimed it to be Mr. Pitt's system, or to quote his religious muse—"Elijah's mantle," which, according to a psalm of his own composing, had been tried by all, and fitted nobody but himself; and now, when at last he had got it on his back, he found it too old and threadbare to serve his purpose; and instead of replacing it with a new one, was vainly endeavouring to repair it: but who, in the profession, but himself, would patch an old coat with new cloth, in mending his old system with his new principles of free trade, which could not hold together? This fallacy had been well exposed in the last session, by an hon. member, who maintained, that without a repeal of the corn-laws, the attempt must ruin our manufactures. Would that the judgment of the same hon. member had been equally unbiassed upon the question of that worst of impostures, the sinking fund, to support which the assessed taxes were continued! And here he must take the liberty of reading to him his own lecture to another hon. member, who, in the last session, had soared above all in his flight of humanity, upon a question wherein he had no private interest; but upon another question, betwixt the brewers and the public, had stuck to the golden rule of every man for himself. So the other hon. member, who had fought like a lion in the cause of the people throughout all the stages of the corn-bill, turned tail upon the question of a sinking fund, to which he could only look with the eye of a loan-contractor. Here lay the root of the evil, which nothing but reform could cure; for it was to this feeling of self-interest in those who held the remedy in their own hands, that all the miseries of Spain, of Ireland, and of suffering humanity throughout the world, were mainly to be ascribed. The right hon. secretary had declared, that his Shibboleth was England. Would

to God it were so, and that he would only prove it, in setting that example of public virtue which alone was wanting to raise her to a prouder station than she had yet filled amongst the powers of Europe—

"Oh England! model to thy inward greatness,
Like little body with a mighty heart;
What might'st thou do, that honour would thee do,
Were all thy children kind and natural!"

and what prevented her, but that unnatural system of her government, which had wasted her strength, blasted her reputation, and reduced her to the lowest state of moral and political disgrace? For what was her real situation, and the short answer to all the vain boastings of her ministers? Look to her debt of 800 millions, which neither ten years of peace, nor all the retrenchments forced upon her government had one jot diminished; and this was the key to that new system of her policy, wherein the same ministers who had expended millions upon millions to deliver Spain from France, and uphold the liberties of England in the general liberties of Europe, had now, forsooth, discovered that her true interest was to stand alone, and (as the right hon. Secretary had expressed it) to move within the circle of her own orbit. But, for once, let him quit his tropes and metaphors, and answer in plain language to the charge of conspiracy against the liberties of his country. The ministers, in the king's Speech, had again openly boasted of their friendly relations with those powers, who had as openly declared their hostility to all constitutional governments, and proved their intentions by their acts, in destroying that of Spain. What, then, could be the basis of such friendship, but their mutual understanding and agreement upon that vital question of public liberty, the existence of which was incompatible with the principles the Holy Alliance stood pledged to establish? And that this was the fact, he boldly asserted, and as firmly believed; whilst of all parties concerned, the ministers of England stood deepest involved in the guilt. As to the others, with the exception of him whose monstrous abuse of the power to which his brother legitimates had restored him, seemed to have been ordained by Providence to mark the folly of their cause, and the justice of the cause of the people, there was not an individual of those exalted personages, whose private character, from all he had seen, heard, and believed, he did not respect, whilst he considered their political feelings to be only the natural consequence of the causes which had excited them; but he could find no excuse for those who, born in the land of liberty, educated in her school, and indebted to her protection for the wealth and honours they had acquired, would now desert her cause, kick down the ladder which had raised them, and trample on the people's heads. But, whatever the motives of the parties, for which they must answer to their God, it was their conduct the people had to look to; and whether the government of France and Spain, the governments of the Holy Alliance, or, above all, the government of England, he denounced the whole as conspirators against the liberties of mankind, and called upon the ringleaders to answer to the charge. Most gravely and deliberately he accused them of having wilfully neglected that glorious occasion, which the return of peace, and the destruction of Buonaparte's power, had afforded, of re-establishing the liberties of Europe upon a firm basis, and of setting up a more dangerous and detestable tyranny in its place; and that, instead of availing themselves of that dear-bought but invaluable lesson, which the history of the French revolution had taught both crowns and people, in pointing out to both their true interests, once more, like their prototype Pitt, but with still less excuse, they had conspired with the powers of Europe against the liberties of the people, solely to prevent reform in the abuses of their own governments. And, let the people look to the progress they had made. Three years since, Spain was free, and France boasted of her charter; but now, Spain was groaning under a double slavery; France was plainly told by her ministers, she must expiate the crimes of her revolution by returning to her former state; whilst the ministers of England, who began their part in the performance with invectives against Bourbon treachery, and prayers for Spanish independence, were now praying in their hearts for the re-establishment of that system in France, which they found to be the only chance for the continuance of their own; for they well knew, that peace could not be maintained betwixt the two nations, without a fairer balance of the conditions of the people in both, and that neither tithes nor excessive taxation could be much longer imposed on the one, without being regenerated in the other. But, if the dis-

tresses of the people could not move the ministers, let them, at least, turn their eyes to their own danger, and the rotten foundation on which their power rested; for whilst the government of France rode triumphant over the people, and found it needless to dupe them longer, even with the name of their charter, the ministers of England had no real power whatever, but, like dishonest servants, only kept in place by imposing on the credulity of their masters. What better illustration of the strength, courage, and generosity of the nation, contrasted with the weakness, cowardice, and baseness of her government, than the act of the right hon. gentleman, who, as one of the people, had advertised his subscription to the relief of the Spanish patriots, from whom, as minister, he had withdrawn the trifling support the government had allowed them; and whilst thus meanly truckling to foreign powers, what greater proof of their tyranny at home, and the insolence of that faction which had usurped the powers of the constitution, and lorded it equally over the Crown and people, than that the same sovereign who had proclaimed the equality of civil and political rights to all his German subjects, was prevented by his ministers from doing the same justice to the Catholic population of his united kingdom. And what was their excuse?—the danger of the Protestant religion. But, was ever assertion so false, or hypocrisy so great, as that which pretended to believe it, but which well knew that the danger was not to the established religion, but to an enormous church establishment in Ireland, which required the expense of a large standing army to support it, in the teeth of all justice and true religion, and the sense and feeling of the people? As to Catholic emancipation, if no other benefit were to accrue from the measure but the transfer of the tithes collected from the Catholic people to the Catholic church, he should consider it an act of justice and sound policy, and appeal to every argument of the right hon. Secretary, upon his motion to enable Catholic peers to sit in parliament, to confirm his own opinion; and as to others of his piebald cabinet, who would scare the nation with the danger of Catholic ascendancy, he called upon them at once to put an end to all religious differences, and unite Catholic, Protestant, and Dissenter in their country's cause, by graciously permitting their own sovereign to do that by the people of the united kingdom, which he had done by the people of Hanover. Nothing short of this could give that strength to the government, which, under whatever form, was essential to support it; and, if such had been the advancement of general knowledge and education, that this concession had been deemed necessary to the slaves of a despotic government, to whom the freedom of the press was still unknown, how much more necessary to that people, who, in the establishment of their liberties, beheaded one king, dethroned another, and set up a third, to the exclusion of the legitimate heir to the crown, whom the voice of the people declared to have forfeited his right? And, unless the ministers could make up their minds to this measure, which if not conceded, would eventually be forced upon them, they had better at once drop the curtain upon the farce they had so long been playing in that House, and either shut its doors, or at least march those out of it who dared impeach their conduct, as the deputy Manuel was marched out of the French chamber.

Sir *John Newport* complained of the manner in which the condition of Ireland had been treated in the Speech from the throne. What was mainly stated as a fact respecting Ireland in that Speech, he absolutely and of his own knowledge denied. He denied that the Catholic Association had tended to disturb the peace of the country. On the contrary, he believed that that body had tended, and most efficaciously, to tranquillize Ireland, and had powerfully co-operated with the Irish government in producing that salutary effect. As, however, the government unfortunately thought otherwise, he now desired to know in the first place, when it was intended by ministers to bring in any bill on the subject of Ireland; for it was fit and right that, upon so momentous an occasion, all the members of that House should be in their places to speak their mind upon the proposed measure, for they must all feel that every measure now affecting Ireland must equally affect England, and therefore called for the fixed attention of the imperial parliament. It was important that ministers should at once state what they intended in this respect, unless, indeed, they were disposed to frame a measure for Ireland in a shape so odious, as they would not dare to frame for the people of England: it was essential, he repeated, that the House should

have an explicit and ample notice of the intentions of his majesty's government. He also wished to ask, whether they meant to ground any measure upon the report of a committee, or meant merely to lay explanatory papers before the House, and then proceed to legislate upon assumed facts? If the latter were intended, then it was indispensable that those papers should be some time in the hands of members, before any proposition were founded upon them which was intended to affect the rights of the subject, and to rob the people of their ancient right to communicate, in their own way, to the legislature, their grounds of complaint; for that alone was the object of the Catholic Association. If the Catholic Association were really dangerous, then the country had to thank the lord chancellor of England, and the right hon. Secretary for the home department, for their existence; for it was these gentlemen who had, in each House of parliament, declared, that the people of Ireland had, in point of fact, no interest, and felt no concern, in the discussions upon the Catholic question which had been pressed upon the government; that the agitation of such subjects was kept alive only by a few. Now, what was the fact? The Association prepared their petition, and the Catholics, from one end of the country to the other, came forward to testify their deep interest in the proceedings of that body, and to contribute, from their exhausted purses, the necessary means for defraying the expenses of their measures. At first, it was said the people cared nothing about the matter: then followed the establishment of the Association, and the demonstration of the popular feeling, in unison with the sentiments of their leaders. When it was said, that equal justice had been done the Catholics, and that they ought to rely patiently upon the wisdom of the legislature, he begged to call upon the House to take a retrospect of the legislative measures which had been adopted for the relief of the Catholics. In the first place, he called upon them to recollect the motion which had been made by his right hon. friend (Mr. Wynn), in 1813, to put down the illegal society of Orangemen. In the debate upon that motion, as well as upon another which was nearly simultaneous with it, the right hon. gentleman opposite (Mr. Canning) had used these words—"It is a consolatory reflection, that among all the digressions to which this debate has given rise, no honourable member has stood forward to defend the anomaly of these societies, and that all have concurred in the opinion, that the members of them are guilty of a breach of the public peace." A noble lord then in the government (lord Londonderry) had also declared, that he relied upon the common sense of the country rejecting and putting down such associations; and yet, notwithstanding these declarations from such high quarters, it was only now that his right hon. friend, the attorney-general for Ireland, had come prepared to say, that the existing laws were not sufficient to meet the evil, and that new and more coercive ones were necessary. It was quite clear, he thought, that against the Catholic Association this measure was directed, and against them alone. And yet, with this experience before them, they talked of dealing equal justice to the people of Ireland. They might make the laws equal, but the evil in Ireland was always the mal-administration of these laws; and it was of the mode of executing them, that the people of Ireland had always had cause to complain. Was it not notorious that high officers of his majesty's government in Ireland were members of Orange associations? Did they not know that official persons acted as Grand Masters and Deputy-Grand Masters in these illegal associations? If any such were found so managing the Catholic Association, how loud would have been the complaints of the opponents of that body. The only remedy for the distemper of Ireland was a redress of her grievances. They would never succeed in stifling the voice of discontent, until they removed the oppression which had generated it. He readily concurred in the praise of liberality which had been bestowed upon some of the late measures of the government; but why not extend the same wise policy to the affairs of Ireland? The fact was, that they never acted wisely or liberally towards Ireland, and their periods of relaxation were always dictated by sad necessity. Let them trace the question historically. In the year 1792, when the present lord privy seal (lord Westmorland) was viceroy of Ireland, and the late earl of Buckinghamshire, then Mr. Hobart, his secretary, an humble petition from the Catholics was actually driven out of the Irish house of parliament by acclamation: a petition merely asking for a

very moderate share of privilege; and yet, in the very year after, a measure embodying far more relief than was supplicated for in the previous petition, was introduced and carried triumphantly through parliament, under the auspices of this very secretary. The state of things had altered since the preceding year, and the war with France, and not a spirit of liberality and justice, had led to the relaxation. He was old enough to recollect the whole course of this question, and to remember, that the eye of parliament could not be brought to look upon it, until the fleets of France and Spain rode triumphantly in the British Channel. Let no man, then, be duped by the notion, that the Catholics had reason to confide in the liberality of the British government. If, at the time to which he alluded, the Catholic body was important when a crisis befel the empire, how much more important had it since become! It was never so consolidated as it was now; and that consolidation had been effected by the misgovernment of this country, and the repeated refusal of the just claims of the people. He lamented exceedingly the course which his majesty's ministers seemed now disposed to take. He had lived long enough in Ireland to know the evils which would inevitably follow from such a system. He felt warmly in thus expressing his sentiments, because he foresaw the misery which would flow from perseverance in a coercive policy. He deplored the sad condition of that country, in whose interests he was wrapped up, and where was placed the little all which formed his means of support in this world. Again and again he would deprecate this policy, at once baneful and absurd: this wretched perseverance, upon every flimsy pretext, of refusing the just claims of the people, until the arrival of some impending danger, which compelled the government to bestow ungraciously, and thanklessly, what, if conferred under other circumstances and other times, would have been received as a boon. He had now done his duty: he could conscientiously say, liberavi animam meam. But few years remained to him in the course of nature; but, with his dying breath he would admonish ministers not to proceed thus towards Ireland; and his last words would be to warn them against the danger, the sure and certain danger, of prosecuting a system of coercion.

Mr. Secretary *Peel* said, that he would not be provoked by any expressions which had fallen from the right hon. baronet, to anticipate the regular discussion which would soon take place upon the topics to which he had adverted. It was, as the right hon. baronet had justly observed, most true, that by giving an assent to the Address, no member was pledged to support the specific measures with respect to Ireland, which it was in contemplation to submit to the consideration of the House. In the course of the evening, his right hon. friend, the secretary for Ireland, would give notice of the steps which it was intended to pursue. In taking that course, his majesty's government was prepared, upon its own responsibility, to submit certain measures to the consideration of parliament. With respect to the Catholic Association, though, on a future day, that subject would come before the House more directly, he did not hesitate to say, that he considered its existence not consistent with the popular privileges and liberties of the representative body of the kingdom. He could not help thinking, that such must also be the conviction of many persons who, on other questions, did not agree with him. He spoke not of those who considered the existence of that Association, as trenching on the supremacy of the Crown, and the prerogatives of the executive, but he would put it to any unprejudiced man who valued the popular institutions of the country, whether its continuance was not incompatible with the privileges of parliament, and the due administration of justice. Could the House of Commons tolerate a body which assumed to itself the power of levying a tax on a portion of the king's subjects? Was it consistent with the pure administration of justice, that an unrecognised assembly should presume to overawe the judicial administration of the country? As he before stated, he was unwilling to enter at large upon a question which would be the subject of future discussion; but he was convinced, that when fully and impartially considered, no man who valued the popular institutions of the country could give his support to an association, which, though perhaps tolerated by an evasion of the law, was manifestly opposed to the spirit of the Convention act. He could not believe that the acts of the Association received the deliberate support of the great body of the Roman Catholics of Ireland. He could not believe, though opposed to their

claims, that any great and respectable class of the community could subscribe to that doctrine which was recorded in their published proceedings, of appealing to that hatred which, as Catholics, they were presumed to bear to another portion of their fellow men. And yet, when a Roman Catholic gentleman, attending a meeting of the Association, proposed the erasure of such language, as inconsistent with the dictates of religion and the spirit of Christian charity, his objection had been unanimously over-ruled. Again he would repeat, that he never could bring himself to believe, that any large portion of the people would tolerate such a sentiment as was expressed in the address which had emanated from the Catholic Association. If, however, the Catholics generally participated in such feelings and opinions, then, indeed, how additionally strong became the reason for excluding from political power persons capable of holding such tenets! No; he could not believe that the Catholic community would adopt such principles; for he had always hitherto heard their best advocates entreat that the errors of the few should not be visited upon the heads of the many. It was not a little strange that, whilst several gentlemen called upon the government to permit this association to remain, they were loud in their denunciation of another association in this country, against which the same cause of complaint did not exist. An hon. and learned gentleman (Mr. Brougham) had last night alluded to some supposed difference of opinion among the members of the cabinet upon particular subjects: he had talked of those who were always ready to sacrifice their opinions for the preservation of their places, and that there was one who would pocket any popular opinion of the day, to preserve his official power. He was certainly much disinclined to speak of himself—

Mr. *Brougham*.—I did not mean you.

Mr. *Peel* said, he did not wish to separate himself from his colleague, the lord chancellor of England, to whom the observations he alluded to were understood to apply. Of that eminent individual he could not speak in terms of adequate praise. He believed his name would go down to posterity, as that of a man of great and exalted merits, and that notwithstanding the failings imputed by some men to some of his acts, he would go down to posterity as being the most consistent politician who had ever held the great seal. The whole tenor of his official life was the best answer to all the calumnies which had been heaped upon his character. With respect to his own opinions—and for them he only meant now to answer—he could declare, that his original view of the Catholic question had been strengthened and confirmed by the experience of subsequent events; and he claimed credit for the sincerity of his opinion, when he declared, that he was prepared to make any official sacrifice, rather than abandon his principles. The right hon. bart. had said, that he (Mr. P.) and the lord chancellor, were the persons who ought to be held responsible for the establishment of the Catholic Association. For himself, he could assure the right hon. baronet, that the imputed responsibility was groundless; for he had never opened his lips upon the subject, in the manner in which he was supposed to have done. He was ready to discharge his duty, and he called upon parliament to put down an Association calculated to engender hatred, strife, and every kind of bitterness. If it should be the decision of parliament that the Association ought to be put down, he never could believe that the Catholics would not acquiesce in the decision. The hon. member for Westminster had stated it to be his *opinion*, that if the legislature should make a law declaring the Association *illegal*, nothing but the employment of military force could obtain obedience to it. He never could believe that. He was quite sure, if such a law was passed, that law would be readily obeyed by the Catholic body.

Mr. *Hutchinson* warmly defended the Catholic Association, which, he contended, had done more than any body previously constituted, to promote the tranquillity of Ireland. Let them be talked of as a representative body or not, still this salutary consequence had, most certainly, attended their proceedings; and the Catholics, as a body, would feel that any blow aimed at the Association was directed against themselves. Upon the impolicy of ministers in their policy towards Ireland, he entirely concurred in every word which had fallen from his right hon. friend, the member for Waterford. For years he had deplored this fatal policy towards his country, and marked, step by step, the affliction of which it had been the cause. It was painful to have to repeat such sentiments on the occasion of an address to the throne, when the

most dutiful feelings to the sovereign ought to be expressed; but he should violate every principle which he cherished, if he suffered the passage in the address respecting Ireland to be discussed, without pronouncing upon it his most unqualified reprobation. The ministers had so far forgotten their duty, as to put into his majesty's Speech that which was not true; they had recorded a false fact, and pronounced a gross libel upon the Catholics of Ireland. It was asserted, that the proceedings of the Catholic Association were irreconcileable to the principles of the constitution. That he positively denied; and he would go further, and declare, that there was nothing valuable in the constitution which had not been obtained by exertions similar to those which the Catholic Association were making. The right hon. gentleman opposite contended, that the proceedings of the Association were calculated to create alarm. Aye; but to whom? To the right hon. gentleman—to those who thought with the right hon. gentleman—and to the faction in Ireland which, for above a century, had oppressed that unhappy country. But, why was the alarm thus created? Lest Mr. O'Connell, and the other respectable heads of that Association, should continue to proclaim the grievances of the Catholics in such a manner, that it would at length become impossible for the most prejudiced persons to contend that their chains ought not to be broken. In that sense, certainly, an alarm might exist. The persecutors of the Catholics might justly be alarmed. They were alarmed by the prospect, that if things continued to go on as they were going on, the Catholic question must, eventually, be passed by acclamation. It was evidently impossible, if the Catholics continued to proclaim their grievances as they were doing, and as they had a right to do, but that the Catholic question must speedily be carried. It was the calamity of Ireland, that the British government had ever ruled her in a spirit of faction. Discord, and not peace, had ever been their motto; and now they were again about to exasperate real grievances by coercion, instead of opening the Statute-book, and expunging from it those bitter penal enactments which disgraced the Protestant, while they oppressed and degraded the Catholic. He rejoiced as much as any man at the liberal principles which the government had lately evinced, and at some of their late measures with regard to Ireland. He had been for years entreating successive administrations to attend in time to the sad condition of the Irish people; and many of the measures which were once scouted, had been since adopted and acted upon by ministers. He implored the government to pause before they precipitated themselves into fresh measures of violence towards the people of Ireland. The Catholics would not, in the present state of society, tamely submit to an unjustifiable exclusion from the privileges which they ought to enjoy; nor ought they to submit to this political degradation. It was idle to suppose that this question would not ultimately be carried; in spite of the opposition of any portion of the government. He denied the assertion made by the right hon. gent. (Mr. Canning) last night, that the proceedings of the Catholic Association had indisposed the public mind in England to the Catholic question. He absolutely denied that assertion, and dared the right hon. gentleman to prove it. That individuals disapproved of some of the acts of the Association, he admitted; but he denied that any expression of hostility had emanated from any portion of the British public against the measure itself. The ministers, by their conduct towards Ireland, had placed themselves in a sad predicament. They were fortunate in having succeeded, by the glorious efforts of our troops, in bringing the late war to a happy conclusion. They were fortunate in having struggled successfully through the difficult period of peace that immediately followed. In being enabled to state, in the Speech from the throne, the great prosperity of the empire in its commerce and manufactures, and the benefits derived from those liberal measures relative to foreign trade, which had acquired for them the approbation of the country, they were most fortunate. But when, in the Speech conveying these statements, they had the infatuation to insert a call on the two houses of parliament to legislate, for the purpose of oppressing and gagging six millions of the population of the empire, who, feeling that they were aggrieved, did not hesitate to express that feeling, they were most unfortunate indeed. Much had been said of the employment of English capital in Ireland; but he would ask the right hon. gentlemen opposite, what chance there was that the monied man of England would risk his property in that country, when he was told by government that it

was necessary to pass a measure tantamount to a declaration of war against the whole Irish people? How could the right hon. gentlemen feel that they were doing their duty, in thus sounding an alarm, the effect of which must of necessity be, to deprive the inhabitants of Ireland of the benefits which it had been anticipated would flow in upon them from that source? It had been said, that since the Union, Ireland had been treated with great partiality and kindness. That he denied. On the contrary, he complained of the neglect with which, year after year, Ireland had been treated. In vain had he, from time to time, assured that House, that every thing was wrong and rotten in that country. A deaf ear had been turned to all his expostulations. Latterly, indeed, a rather better system had been adopted; but most tardily and inadequately. No minister had a right to take credit for that remission of taxation, which was rendered indispensable by the poverty of the country.

Sir *Thomas Lethbridge* said, that being as anxious as any man could be for the peace, security, and happiness of Ireland, he could not refrain from applauding most sincerely the measures which his majesty's government had declared it to be their intention to introduce. He was firmly convinced that, for the sake of the Irish Catholics themselves, the Catholic Association ought to be put down; and being so convinced, he felt that he should not do his duty, if he did not stand up in his place, and thank his majesty's ministers for the course they were adopting. Unless something had been proposed by government, it would have been utterly impossible for a single week of the session to have passed over without notice having been given of a similar measure. This was rendered the more necessary, if, as he understood, the Catholics of England had united with the Catholics of Ireland in their proceedings. The Catholic Association might be considered as a second parliament. But, as two parliaments were not contemplated by the British constitution, he trusted that this new parliament, which had commenced its functions by levying money, taken out of the pockets of the poorest of their constituents, would be put an end to. A body which trenched so much on the spirit of the constitution ought no longer to be permitted to exist. As a representative of the people, he had felt it incumbent on him to take the earliest opportunity of thanking his majesty's ministers for the measures they had declared it to be their intention to originate; and he thanked them also, that they were about to originate these measures on their own responsibility, instead of making any previous application for the advice of parliament. That was the principle on which, under such circumstances, all governments ought, in his opinion, to act.

Lord *Nugent* observed, that the right hon. gentleman opposite began his speech by a most unfortunate attempt to draw a parallel between the Roman Catholic Association, and the body once kown in this country by the name of the Constitutional Association. And this parallel the right hon. gentleman accompanied by a taunt against those who had implied, that in their opinion the latter was illegal. But, did not the right hon. gentleman perceive that the weapon he was using was double-edged? Good God! Had not those who were of opinion that the Constitutional Association was illegal, a right to say to his majesty's government, "If you think the two societies on a par in point of legality, and if you maintain that the Catholic Association is illegal, why did you not institute proceedings against the Constitutional Association, which, according to your reasoning, must be illegal also?" No proceeding was ordered to be instituted against that Association by the attorney-general. It was true, that a bill had been found against it; but, under the direction of the judge, the proceeding terminated in an acquittal. But if, as was asserted by the opponents of the Catholic Association, that Association was illegal, why not put the existing laws in force against it, instead of proposing new ones? He should not, however, have risen on the present occasion, had it not been for some observations which fell from the hon. baronet who immediately preceded him. That hon. baronet had talked of the unanimous feeling that existed between the Catholics of Ireland and the Catholics of England. He begged leave to bear his public testimony to the correctness of the supposition, that such a unanimity existed. The hon. baronet was perfectly right. He believed he was justified in stating, that the Catholics of Great Britain were disposed to concur entirely, in feeling and in spirit, with the Catholic Association in Ireland: and agreed with them in the propriety of the policy they were now pursuing. He was informed that he should very shortly have

the honour to submit to that House a petition on the subject, from the Roman Catholics of Great Britain. He was told it was likely that on that occasion the number of signatures would be three times as great as it had hitherto been. If he was correctly informed, he was most happy that such was the fact; because it rendered it evident, that the Roman Catholics of Great Britain would not be deterred from coming forward at the present crisis, to petition for those rights, the being deprived of which was the grievance which they suffered in common with their brethren in the sister kingdom.

Mr. Secretary *Peel* rose to explain. He disclaimed having stated that the hon. and learned gentleman opposite had said that the Constitutional Association was illegal. The learned member for Peterborough had, he believed, doubted its illegality. The noble lord misunderstood the sense in which he meant to apply the word "illegal." He merely meant to say, that the hon. gentleman opposite had contended, that the Constitutional Association was an Association inconsistent with the spirit of the constitution, and that all the objections which could be urged against any society confederating to institute prosecutions, applied with still greater force to the Catholic Association. That was the whole extent of his observations.

Mr. *Trant* said, that in his opinion the apprehension expressed by the hon. member for Cork was without foundation. The hon. gentleman seemed to think, that if measures were instituted to put down the Association, it would have the effect of preventing capital from flowing into Ireland. He had attended a meeting that day, at which the establishment of provincial banks in Ireland was the subject under consideration; and, so far from the contemplated measure of putting down the Association having thrown any damp on the business, it had on the contrary had a favourable effect. He should rejoice if some of that capital which began to overflow here could find its way to Ireland. It would be productive of the best effects.

Mr. *Denman*, adverting to what had just fallen from the hon. gentleman, observed, that a decision which had taken place that morning in the court of King's-bench, namely that a similar company was in direct contravention of the letter of an existing law, might, perhaps, affect the company to which the hon. member had alluded. If either that company, or the Catholic Association, were against the spirit of the constitution let them be put down by the existing law; but let not new laws pregnant with injustice and ruin, be enacted for that express purpose. By the declaration of his majesty's government, however, it was evident, that they were determined, if they could not put down the Catholic Association in any other way, to put it down by coercion, by the sword, or by an army of twenty thousand men. And that at the very moment when they were complaining of the Association as being contrary to the spirit of the British constitution! He remembered a right hon. gentleman, not now in the House—he meant the late chancellor of the Duchy of Lancaster (Mr. B. Bathurst)—undertaking the defence of the celebrated Association called, in this country, "Constitutional." That, however, was an imperium in imperio—an Association totally opposed to the spirit of the constitution—an Association which arrogated to itself the official duties of the Attorney-general. Yet, backed as it was by thousands of persons of rank and consequence, it was allowed to pursue an uninterrupted course. His majesty's ministers were perfectly silent with respect to it, unless, indeed, when they spoke in its defence. The fact was, that the Constitutional Association was allowed to go on, because it played the game of power. On this ground was the silence of government to be accounted for. What was the danger here, compared with that which was threatened to the constitution by the Constitutional Association? Defend the Catholic Association! God forbid that he should ever attempt it. He would not be bound to defend the proceedings of any public body—not even the body which he was then addressing. What was it that the Catholic Association had done? They had united for the purpose of defending themselves against the undue administration of the laws [cries of hear, hear!]. He repeated it, the undue administration of justice in that country. For let the marquis of Wellesley have that just praise to which his liberal conduct entitled him, and let the lord chief justice also receive that applause which he so richly deserved, still he maintained, that there was an undue, an unfair administration of justice to the Roman Catholics of Ireland. What was the situation of that large and respectable body at present? After hav-

ing their hopes excited from year to year —after having suffered such a variety of misery, that the oldest men could only call to mind the register of their hopes and their disappointments—was it, he asked, too much to suppose that they had a right to combine in their own defence? Was such an association to be placed on a footing with one which arrogated to itself the privileges of the Crown—a society which went out of its way, and which said, "We have no object of our own to effect, but we are determined to put down every person who gives vent to a liberal or a patriotic feeling?" Was it to be put in competition with a system which ended as it began—in jobs and trafficking? He maintained that it ought not. The Catholic Association had claims on the people of England, inasmuch as it spoke the sense, and represented the feelings, of six millions of their fellow-subjects. Their cause was one which it was the duty of that House to take into its most serious consideration; it was a question which his majesty's ministers were bound to bring forward, but in such a manner as to secure the object sought to be attained; and it was singular, that in this great country, surrounded as we were by danger, and opposed as we were by more despotic powers, we should omit to conciliate so large a portion of our fellow-subjects, by giving to them that equality of rights and privileges to which they were so justly entitled. In a little time, it would hardly be believed that such disqualifications could have existed. Their removal could not be long delayed; but the misery that might fill up the interval—could not be even imagined without horror, by any man anxious for the welfare of England and Ireland. They all remembered the disasters occasioned by the American war; but, by persecuting the population of Ireland by this measure, they were bringing America to their very doors, and were giving the last stroke to ages of oppression and misrule. They had been told by an hon. baronet, that the people of England were opposed to the Catholic Association and to Catholic interests. This he took leave to deny. He, too, thought he knew something of the feelings of the people of England, and he would venture to assert that they were not opposed to the interests and liberties of the Roman Catholics. Such opinions might be expressed in public houses and other holes and corners, but they were not the opinions of the people of England. Let not the hon. baronet lay any such flattering unction to his soul; he would go farther, and express a hope, that the hon. baronet's election did not depend either upon that fact, or upon the assertion of it. It was only two years ago that a celebrated orator, now one of his majesty's ministers, proposed a measure for extending the privileges of the Roman Catholics of England. That measure was rejected by parliament; and yet he maintained that those in the country opposed to it formed but a very small minority indeed. Had the opinions just broached by the hon. member for Somersetshire originated with himself, it would not have surprised him: but he did feel surprised at hearing, on a former evening, similar opinions expressed by one of his majesty's ministers; but that surprise was increased when he found that same minister descending to the most vulgar language, and asserting, that the English people were not to be "bullied" into an admission of that which the Roman Catholics claimed as a right. This, he confessed, was a style of language which he was not prepared to expect. It was not his intention to go much further at present, as many opportunities would occur of offering his opinions upon the proposed measure; but of this the House might rest assured, that he should be found at his post, determined to raise his voice, however feeble, against its being passed into a law. The hon. member for Hertfordshire (Mr. W. Lamb) had told them, that he expected the facts alleged against the Catholic Association would be proved, and that he should then be ready to acquiesce in the proposed remedy. But, if he understood rightly, there were no proofs to be brought forward, and ministers intended to rely on the notoriety of the facts. To do this would, in his opinion, be madness; it would, in fact, be drawing the sword and throwing away the scabbard. Should ministers act in such a manner, he trusted that the hon. member would abstain from giving his powerful support to their measures. If they did this what would it be short of saying, that they were determined to act entirely upon public report? He had read the address put forth by the Catholic Association, and, with the exception of the one sentence, quoted by the right hon. gentleman (Mr. Canning) last night, he entirely approved of it. If he was rightly informed, his

majesty's attorney-general for Ireland could give ministers a convenient caution against confiding too implicitly in newspaper reports. Was it criminal to raise money for any purpose not favoured by government? If the attorney-general for Ireland maintained such a doctrine, he must never have heard of the Whig Club; for there money was subscribed and objects effected certainly not very pleasing to his majesty's ministers. But further, if it was unlawful to subscribe money at all, what becomes of those who contributed their money for the prosecution of poachers? In order to contribute to that object, a revenue must be raised by collections from individuals. Oh, but the people of Ireland must not subscribe even for their own protection; and least of all must the priesthood be found concerned in the collection of such subscriptions! And why not the priesthood as well as other members of the community? Were not they British subjects, and therefore entitled to an equality of rights and privileges? Were they not the sons and brothers of the middling classes of society; for the fact that they were so had at length slipped out from their opponent? And if so, why were they not to be allowed to participate in any measure which had for its object the attainment of their rights and privileges? What would their opponents have? Did they wish that the Roman Catholics should resort to secret cabals and conspiracies for the attainment of that equality of rights to which they felt themselves entitled? Much better it was, that they should come openly forward, and state to that House and to the country the disqualifications under which they laboured, and the redress which they were anxious to obtain. The right hon gentleman had been last night very pleasant with the tale of Dennis and his thunder. But here was Jupiter himself selecting his sharpest bolts for the Catholic Association. Much as the gentlemen opposite dreaded Irish oratory, ought they not to give an opportunity for justification, defence, and explanation? This was the thunder which they least approved. The hon. and learned gentlemen, in conclusion, cautioned the House against entertaining a measure calculated to produce in the minds of the Catholics of Ireland feelings of irritation; a measure which they would justly consider as an act of aggression on the part of the British parliament, and likely to be productive of consequences which would make every lover of his country shudder.

Mr. *Martin*, of Galway, assured the House, that the Catholic Association possessed the entire confidence of the Roman Catholic population. This was a feeling predominant in every county in Ireland. But, while he said this, he felt bound, in justice to the Roman Catholics, to state, that they did not agree in all the sentiments uttered in that Association. No man lamented more sincerely than he did the degraded state in which the Roman Catholics of Ireland were kept; but he must observe, that they owed their present situation, and their present feelings, to no less a personage than the Lord Chancellor of England; for did they not see that that high personage had taken the lead in refusing the Catholics of England an equality of privileges with their Irish fellow subjects? Having witnessed this, they felt convinced, that if his lordship were possessed of the power, he would deprive them of those privileges which they now enjoyed, and bring back every proscription and punishment formerly in force against popery. This was a natural and a just feeling. How, indeed, could they argue otherwise, when they saw the Catholic population of England, the most loyal body of persons in England, still restricted even from the privileges extended to those who were falsely designated as factious and disloyal subjects in the sister kingdom. He could assure the House, that on returning to his own country, he had found that a great many gentlemen, who had previously avoided all public matters, had determined to co-operate for the purpose of rescuing themselves from the disabilities under which they laboured. He wished to advert to another point, upon which a serious error prevailed in this country: he meant the impression, that the Roman Catholic Clergy were in the habit of forgiving sins. He assured the House that there was not a more fallacious idea. The Catholic priests, in giving what was called absolution, did nothing more than was done by the Archbishop of Canterbury upon similar occasions; aye, and precisely in the same words: that was to say, they promised forgiveness to those who declared themselves penitent, and expressed a wish and hope to be forgiven. That forgiveness was pronounced by the Protestant and Roman Catholic clergy, precisely in the same words, and the same spirit.

Sir *Henry Parnell* rose to confirm what had just fallen from the hon. member for Galway, with respect to the confidence reposed by the Catholics of Ireland in the Association. He felt it important to dwell upon this point, because they had been told, that his majesty's ministers intended to introduce the measure for the suppression of the Catholic Association upon their own responsibility, and that public rumour and report were the only grounds to be advanced in favour of its necessity. Upon this the right hon. gentlemen on the other side rested their case. An hon. gentleman had told them, that the Catholic Association represented the feelings and interests of the great body of the people of Ireland. If so, upon what grounds could they pretend to pass those bills. He cautioned them to take care how they aroused sentiments of a more serious nature in the minds of the Irish people: he implored them to be careful how they drove that ill-fated country to the last extremity. That House was bound to weigh well the consequences of the step they were about to take; to consider that that step, once taken, would be looked upon by the Catholics of Ireland as an act of aggression. He would go further than many gentlemen who had preceded him, and assert that it was not in the power of ministers, to support the allegations contained in his majesty's Speech. He defied them to the proof; and, upon a conviction that that proof could not be adduced, he was determined to oppose every measure which had for its object a restriction of the rights and privileges of the Catholics of Ireland.

Mr. *Maurice Fitzgerald* said, that though that was not the proper time for a regular discussion of the question, he could not avoid rising for the purpose of warning his majesty's ministers against taking a step so fatal to the interests and welfare of Ireland. It had often been his fortune to witness the ignorance which his majesty's government displayed with respect to the affairs of Ireland; but never did he perceive a greater degree of ignorance upon their parts than upon that occasion. If any danger existed from the Catholic Association, he agreed that it ought to be abolished; but, if such danger did exist, if the Association was illegal, it could be put down under the Convention Act, without even the intervention of his majesty's attorney-general. They had been told, and truly told, that the Catholic Association expressed the feelings and sentiments of the Catholic population of Ireland; and that, therefore, it was a formidable body. True, it was so; but how was it formidable? Because it expressed the sentiments of six millions of persons, who, feeling themselves rejected by the state, felt themselves bound by one common sentiment of indignation; a sentiment which no Englishman would blame them for feeling, but for which he would despise them if they did not entertain. He maintained that there was safety, and not danger, in this public expression of the feelings of the Roman Catholics. They were reduced almost to a despondency of feeling, and it was better that the expression of that feeling should have vent, than that it should be concealed. But what, he asked, were the grounds upon which ministers intended to introduce the proposed bill? Upon their own shewing, it was to be founded on some hasty, or, if they would, some criminal expression, which had crept into an address of the Catholic Association. And this, giving it its full value (he did not mean to defend the expression), was the sole ground upon which they were called upon to legislate against six millions of their fellow subjects. Now, what was the peculiar expression at which his majesty's ministers cavilled? To understand it perfectly, a man must be an Irishman. No man abhorred more than he did the sentiment contained in that expression; though, as an Irishman, he presumed he understood it better than the right hon. gentleman opposite did. It was this, that the Roman Catholics were called upon by their hatred to Orangemen to preserve peace. What was meant by this was, "though you are oppressed by Orange-men, and they are your declared enemies, still you are desired to remain in peace." But, giving an interpretation, the most favourable, to the words, they indicated a lamentable state of things in Ireland. He trusted, however, that the employment of indiscreet words by a few, would not involve the whole body of the Catholics in one sweeping measure of injustice. If this Association was perilous to the peace of Ireland, the course about to be pursued by ministers was fraught with danger of a much more appalling kind. If the Association was put down, the great mass of the Catholics would resort to other modes of asserting and enforcing their rights. He had in-

deed heard one other mode mentioned; and certain he was, that the Association would take some shape or other, as long as Catholic disabilities existed. The payment of rent, as it was termed, had been called last night the levying of revenue. He did not think it deserved that name; for he believed it to be merely a subscription by the population, for purposes essentially their own—for their protection from the oppression of Magistrates in various parts of Ireland. In the county he then represented, the rent had hardly been collected at all; and the reason was, that the Catholics there met with no oppression, the two sects living in the most perfect harmony together: a subscription was therefore wholly needless. But it was little less than ridiculous to talk of any real danger to the government from the sum of 9,000*l.* being collected in this way, and vested in the Public funds. But, if any objection could be raised to this sum, and the manner in which it had been collected, how could any other similar subscriptions be justified? That of the Methodist Conference, for example, which was infinitely larger in amount, and which was unquestionably applied to political purposes. Although the Catholic interest in that House was comparatively feeble, the Methodist interest was very powerful. He recollected that, in the last session, he had seen more external influence brought to bear on a question in which the Methodists were interested, than on any other of which he knew—he meant that relating to Smith, the missionary. He had heard with delight the protest so solemnly entered that night by his right hon. friend (sir J. Newport). All the Catholics must deplore the loss of so valuable and so sincere an advocate, and he trusted that the date of that loss would be long postponed; but, after what had fallen last night from the secretary of state for foreign Affairs, no man, however young, could expect to witness the accomplishment of the great measure of Catholic relief. For one, he had abandoned all hope; and, if the same feeling pervaded the Catholics, what a dismal prospect would be presented! Yet how could they feel otherwise, when they saw the House about to adopt a system of government by which the Catholics were to be prevented even from meeting to petition for the consideration of their undoubted claims?

Mr. *Brougham* wished to explain an expression he had used last night. He had been supposed by several hon. gentlemen to have said, that the Catholic Association represented the whole body of Catholics. He was quite aware, that if they had done so, they would have been liable to the penalties of the Convention Act. He had, therefore, expressly qualified the word "represented" by the addition of the adverb "virtually."

Mr. *Butterworth* begged to contradict most unqualifiedly the assertion, that the Methodists levied a tax upon the members of their society. Whatever sum was raised consisted of mere voluntary contributions. The Methodists were influenced by no compulsion, and great numbers of them did not subscribe at all. The right hon. member for Kerry did not seem well informed upon the subject, more particularly if he thought that missionary Smith belonged to that body. The Methodists had never interfered in any political question, and the objects of the subscriptions were entirely religious. Now, he knew it for a fact, that a considerable number of Protestants in Ireland had suffered very materially in their circumstances, because they had not contributed to the Catholic Rent. Their business had fallen off in consequence; for secret influence was at work to injure them. Thus the innocent and inoffensive had been punished because they would not accede to what was arbitrary and illegal. He was satisfied also, from the most respectable authority, that in the interior of Ireland the Catholic Association had created the utmost alarm, and many families had been obliged to leave the country, and to take up their residence in towns. He thought that ministers would be extremely negligent of their duty, if they did not at once put down the Association. He called upon the right hon. member for Kerry to prove, if he could, the fact he had asserted; and on his own part, he totally denied that the society of the Methodists had any political tendency.

Mr. *M. Fitzgerald* expressed his regret that the hon. member should have so misunderstood him. In alluding to the Methodists, he intended to say no more than that the collection of the Catholic Rent in Ireland was, in every respect analogous to the Methodist contributions in this country; both these payments having the common property of being voluntary, and not being made under any compulsion.

He had never said that the Methodist contribution was a tax.

Mr. *Butterworth* repeated, that the conference money was collected only for religious purposes, while the Catholic Rent was devoted to the employment of newspapers, and perhaps the bribery of individuals, to support certain political notions.

The report was then brought up. On the question that it be agreed to,

Mr. *Hume* remarked, that it had been his original intention to have moved an amendment, but the debate had taken so beneficial a turn, that he was not disposed to lessen its effect, by interfering with the solemn farce of the Address, for such the right hon. secretary for foreign affairs had himself admitted it to be. His amendment would have stated, that the address contained assertions false in point of fact; for ministers had been convicted of putting the grossest misrepresentations into the mouth of the sovereign. He had never seen a cabinet so degraded and humbled. The attorney-general for Ireland had been bearded in vain: he knew the pitiful figure he already cut before the world, and was unwilling to add to it by attempting and failing in his vindication. A libel upon the whole Irish nation (for the Catholics, were the nation) had been pronounced from the throne, repeated in the address, and reiterated in the speech of the foreign secretary. The Association had been formed for the assertion of rights: it had asserted the just rights of the Catholics, who had been too long quiet and had now come forward in a constitutional manner. He trusted yet that they would be heard; that persecution would be at an end; and, anticipating such an event, he had rejoiced last year to hear that it was the intention of the Irish government to administer the laws equally between Protestants and Catholics. In what way was the measure now projected consistent with such a declaration? On what pretence was the Catholic Association to be put down, or why was it more obnoxious than the Dissenters' Association, which had existed for many years, for purposes, as the annual report testified, very similar to those of the Catholic Association? Oppression could only be borne to a certain point, beyond that point there was a remedy, to which our ancestors had resorted, and to which it was the pride and boast of their successors that they had appealed. Ministers seemed anxious to bring on a crisis—to hasten and compel resistance; and they, and especially the right hon. and learned gentleman who sat by their side, would be responsible for the consequences. On them must the blood rest, if blood should be shed. With respect to the proposed augmentation of the military force of the country, he should say, in the first place, that it was directly contrary to the liberal spirit and policy professed by ministers in the last session. For what purpose could a larger army be needed if it was not that more troops might be kept at home to use the bayonet in Ireland? For the ten years preceding 1792, the standing army in England had never exceeded 33,000 men, and in 1821, the House unanimously voted an address (an amendment on a motion made by himself), recommending his majesty to reduce all the establishments, but particularly to lessen the enormous military establishment then existing. The amount of force then was 86,000, and he had proposed to diminish it to 76,000; yet, in the tenth year of peace, at a time when all Europe was tranquil, and, according to the king's speech, likely to continue so, the army was to be increased by the addition of 10,000 men. Already ministers had no less than 73,000 men under their orders. Last year parliament had agreed to an augmentation of 3,000 men, in consequence of the disturbed state of Ireland; and though it was asserted in the speech, that Ireland was not only tranquil, but contented and flourishing, instead of reducing the standing army, it was to be augmented. Whatever statements might be offered by ministers to account for this addition, it would be believed on the continent, that Great Britain was arming for some unknown purpose, and her proceedings would be viewed with distrust and suspicion. The address to the throne was admitted on all hands to be a mere mockery and farce, and of late years it had been the custom in the royal speech to avoid every topic that could disturb unanimity. Thus, the king and his parliament no longer dealt in wholesome and useful truths; but a system of artifice and delusion was kept up, that nothing at all unpleasing might reach the ears of majesty. This year, however, some statements had been made in the speech from the throne, of which proof was required at the hands of the responsible advisers of the Crown; but they refused all explanation, and withheld all evidence. In future, he recom-

mended, that the proceedings of the first day of a session should be regarded as mere forms; and that nothing should be said on the address, by those who disapproved of it, until twenty-four hours had been allowed for consideration. In the name of the Irish nation, and of the Catholics who formed that nation, he protested against the address, because it contained libellous falsehoods; and he lamented the deplorably pitiable situation in which ministers were placed before the country.

Sir *C. Forbes* lamented that the additional force about to be despatched to India, was so much smaller than the occasion required. Instead of sending out men in driblets, 40 or 50,000 ought to be embarked at once, to put a speedy termination to the war with the Burmese; for if it were not soon concluded, circumstances might arise out of it, to shake the security of the whole of our Indian possessions. Whatever reinforcements were destined to that quarter of the world, ought to be conveyed thither as quickly as possible. The grossest ignorance had been betrayed in the distribution of the force which was under the command of the governor-general. The troops had been quartered in unhealthy places, and the season of action had been allowed to expire before they commenced operations against the Burmese. It was the duty of the board of control, but this had not been done for these fifteen years past, to lay before the country an annual budget, containing a description of the real state of India. He lamented the want of this document at present; since it would have shewn how precarious was our situation, when war was raging on every side.

Mr. *Wynn* said, that papers were now in the press which he should be able shortly to lay before the House, containing a body of information on the subject alluded to, and which papers it was necessary that hon. members should be in possession of before any discussion should be entered upon. The war had begun in consequence of the unprovoked aggressions of the Burmese, and their extravagant pretensions, which could have been resisted by no other means than those which had been adopted. When the House should be acquainted with the particulars relating to this affair, he should be ready to enter upon the case of lord Amherst, as fully as the papers might enable him. Further accounts had been received, by which it appeared, that the sickness at Rangoon had materially abated. It happened, unfortunately, that all the entrances to the Burmese territory, whether by the northern or southern frontier, were extremely unhealthy. This was of course an evil, for the consequences of which the governor-general was not responsible. It was, however, an evil which must be surmounted as well as might be; and he had high authority—that of the late president, and of captain Symes—for believing that the course adopted was most likely to effect that object.

Mr. Alderman *Heygate* said, that unless the Catholic Association were speedily put down, it must govern Ireland. There was no alternative. No government could safely tolerate an establishment, holding its sittings daily, levying money by intimidation, and prosecuting those who opposed them. He was also highly gratified at the recognition of the independence of the South American states, and the manner in which it had been effected, so as to maintain the tranquillity of the world. As to the reduction of taxation, he hoped that ministers would do away with the assessed taxes altogether. The independence of the people was more affected by what were called direct taxes, than by any other species of contribution, because they were brought more immediately into collision with the tax-gatherer. He was sure the feelings of the country, with respect to this class of taxes, were so unequivocal, that if the question of a reduction of duty on French wines, or the cessation of these taxes were put in issue, nineteen out of twenty would hold up their hands for the latter. He had said thus much, because he thought the ministers had the interest and prosperity of the country at heart. They were justly popular now, and he hoped they would continue to be so.

The address was then agreed to.

UNLAWFUL SOCIETIES IN IRELAND—CALL OF THE HOUSE.] Mr. Goulbourn gave notice, that he would, on the 10th instant, move for leave to bring in a Bill to amend certain Acts relating to Unlawful Societies in Ireland.

Mr. *Brougham* hoped that, upon his humble representation, the right hon. gentleman would be induced to postpone the notice he had given for a week. He

intended to move for a call of the House on the day when that motion should come on, in order to show whether or not the cry of "No Popery!" which had been raised was really countenanced by the constituents of hon. members, and whether the people of England were on this occasion opposed to the wishes of the people of Ireland. He trusted the insinuation which had been made to this effect was an unfounded one against the good people of England; but if it were otherwise, they ought to have an opportunity of openly expressing their opinions. Whatever the consequence of it might be, it seemed to him absolutely necessary, that there should be a call of the House on a measure of so much importance.

Mr. *Goulbourn* could really see no reason for the postponement. He had already informed the House, that it was intended the bill should be discussed in every stage. The motion of which he had now given notice was only for leave to bring in the bill. Its principle and its details might be discussed when it should be before the House.

Mr. *Brougham*, in the hope of inducing the right hon. gentleman to accede to his request, would offer a compromise. He had well observed, that at present the House was not acquainted with the form in which the measure would be submitted to them. He (Mr. B.) hoped that what had passed last night would have the effect of modifying and reducing its shape. Perhaps, in the mean time, if delay were allowed, some other papers might be laid on the table. [Mr. Goulbourn said across the table, he had no intention of doing so.] Then there was to be no information between the exposition of the measure and the debate on the principle of the bill. Perhaps he might find it expedient to delay the call of the House, if the measure were to be postponed for a fortnight.

Mr. *Peel* proposed that the call of the House should not take place until the second reading of the bill, which might be fixed for Tuesday week.

Mr. *Brougham* said, that would hardly give him time enough. He was disposed still to press for a delay of a fortnight. If ministers considered a couple of days of such paramount importance in the passing of the bill about to be introduced, they ought to have called parliament together sooner. He then moved that the House be called over on that day fortnight.

The motion was agreed to.

HOUSE OF LORDS.

Monday, February 7.

State of Ireland.] The Marquis of *Lansdown* wished to ask the noble earl opposite two questions. The noble earl had given notice of a motion for a committee to inquire into the State of Ireland. Last year, when a similar committee was appointed, he (lord Lansdown) had proposed, that the inquiry should be extended to the whole of Ireland, and not be confined to the disturbed districts. The powers of the committee of last year were, however, limited, and he was afraid that that example might be followed on the present occasion. He therefore wished to know, whether it was the intention of the noble earl to limit the committee he was about to move for in the same way as that of last year.

The Earl of *Liverpool* said, that the motion he intended to make would not be the same as that of last year. He would propose that the inquiry should extend to the whole of Ireland, or, in other words, that no part of Ireland should be exempt from the investigation of the committee.

The Marquis of *Lansdown* said, he apprehended, from what had passed on Thursday, that it was not the noble earl's intention to lay on the table any papers connected with that part of his majesty's Speech which related to Ireland.

The Earl of *Liverpool* observed, that he did not intend to lay on the table any papers relating to the state of Ireland.

The Marquis of *Lansdown* being so informed, gave notice that he would to-morrow move for copies of all despatches received from the lord-lieutenant of Ireland relating to the origin, progress, and consequences, of the political and religious societies in that country.

Clerk of Parliament.] Lord Colchester laid on the table the report from the committee appointed to inquire into the duties of the Clerk of Parliament.

Earl *Grosvenor* congratulated the House on the result of the labours of the committee. By it, there had been a considerable saving made, and the service would henceforth be more efficiently performed. It was not his object in abolishing sinecures, merely to save expense, but to have the service better performed; but, when the two objects were both attained by the same measure, he thought it a proper subject of congratulation.

SCOTCH JUDICATURE.] The *Lord Chancellor* called to their lordships' recollection a bill for regulating the Judicature of Scotland, which had passed that House in the course of the last session. Before that bill was brought in, a commission of inquiry had been appointed. The commissioners were selected from among the persons best qualified and able to give information on the subject. A report was made by the commission to the House, and a bill conformable to the recommendations of the report was introduced and passed, and sent down to the Commons, where it received considerable amendments in consequence of some Scotch publications on the subject. It was not thought fit by their lordships to adopt the amendments thus made, and the bill was lost. He intended, therefore, to bring in a new bill in precisely the same form as that of last session, and if any further light could be thrown on the subject, that bill might undergo alterations when before their lordships' committee.

JOINT STOCK COMPANIES.] The *Lord Chancellor* said, that as he was now on his legs, he would address to their lordships a few words relative to Joint Stock Companies, on the subject of which he had, on Thursday last, given notice that it was his intention to bring in a bill. He did not mean to go further than he had then stated: but he thought it right to observe, that in point of fact he was not aware, that a suit which related to the subject to which he proposed to call their lordships' attention was actually pending before the court of King's-bench, and that the lord chief justice gave judgment on that on the very day on which he had addressed their lordships. He did not mean to say what the law was; but, whatever it might be—and he did not wish it to be understood that he had not made up his mind upon that point—the public ought not to be left in the present state of uncertainty on the subject. His lordship then proceeded to state, that his bill would not apply to companies already constituted, or which might be constituted by charter or act of parliament. But, whatever might be the existing law, it could never be intended, that the public should stand in this situation—that before the authority of the Crown or of parliament shall be given to constitute a Joint Stock Company, persons should be permitted to sell at an enormous profit the shares of that company; which was nothing more nor less then laying a bait for their own benefit, by which innocent individuals were great sufferers. The object of his measure would therefore be, to prevent the transferring of shares of any Joint Stock Company, until such Company shall have received the sanction of a charter or an act of parliament.

The Earl of *Lauderdale* wished the learned lord to consider what the House ought first to do, in order to ascertain the law. The regular mode of proceeding in such a case would be, to ask the judges what was the law, and upon their answer, a declaratory bill might be introduced.

The *Lord Chancellor* did not think that declaring the law would answer the purpose he had in view, as the penalties inflicted by the 6th Geo. 1st. were so severe. The transgression of the statute might be allowed to go on; because, the effects of premunire, or loss of goods and chattels, were so enormous, that it was probable nobody would be disposed to enforce them. His object was, to prevent persons out of doors from transgressing the law with impunity; which would not be accomplished by a declaratory law.

HOUSE OF COMMONS.

Monday, February 7.

THE KING'S ANSWER TO THE ADDRESS.] His Majesty's Answer to the Address of the House was reported, as follows:

"I receive with the highest satisfaction this loyal and dutiful Address. Your cordial concurrence in the principles which I have declared, and your assurances of co-operation with respect to the objects which I have recommended to your attention, afford me the surest pledge that I shall be enabled, under the favour of Divine Providence, effectually to uphold the honour and interests of my subjects, and to preserve the blessings which they enjoy."

HOUSE OF LORDS.

Tuesday, February 8.

UNLAWFUL ASSOCIATIONS IN IRELAND.] The Marquis of *Lansdown* rose, in pursuance of notice, to move an humble Address to his Majesty, praying that he would be graciously pleased to lay before the House any despatches which may have been received from the Lord Lieutenant

of Ireland, relating to political and religious societies existing in that country, their origin, progress, and consequences. He was induced to obtrude himself on the House, because, in the Speech by which the session had been opened, his majesty was made to say, that Ireland had partaken in the general prosperity of the empire, and that, with respect to tranquillity, a great improvement had taken place in the state of that country; but it was added, that there existed in that country associations of a mischievous nature, irreconcileable with the spirit of the constitution. Combining these passages of his majesty's Speech with that which immediately follows, and which contains a recommendation to their lordships to adopt measures for the remedying the evil thus pointed out—combining with this recommendation, too, the indisposition shown by the noble earl opposite, to communicate that information which would be necessary to enable their lordships to form a right opinion on the subject—combining, he said, all these circumstances, he felt the House to be placed in a most singular and unprecedented situation—unprecedented, because he did not remember an instance of any new restriction, even in time of war and public danger, having been imposed on the rights and liberties of the people, without a committee having been appointed, in the first place, to inquire into the alleged evil, or the whole proceeding having been preceded by a communication of the documents containing the evidence on which it had become necessary to impose restrictions on the freedom hitherto enjoyed by his Majesty's subjects; and it was not upon any one class of his subjects, but upon all classes, that this new measure was to fall. The freedom of individuals was, it appeared, intended to be limited in a way hitherto unprecedented. He had a right to assume this; for if there was any law capable of correcting the evil complained of, he could not suppose that there was any indisposition, either in this country or in Ireland, to enforce it. The acts of the associations, then, which were referred to in his majesty's Speech, whether morally right or not, must be legal as the law now stood. Their lordships were, however, called upon at once, without any knowledge of the evil said to exist, to apply a cure, to provide a remedy, for a danger, at the moment when that danger was not pretended to be imminent—at the moment when the country was declared to be in a state of uncommon prosperity—at the moment when, however much men might differ as to the causes, all parties agreed that unusual tranquillity prevailed in Ireland, even in those parts of the country hitherto most disturbed. Different accounts of the cause of this extraordinary tranquillity were given by different parties. The friends of the Catholic Association asserted, that it was all owing to their endeavours to promote peace. The friends of the lord-lieutenant said, that it was owing to his prudent management, and his firmness in the exercise of the power confided to him. The friends of his majesty's ministers insisted, that it was entirely owing to the wise measures which the Administration had, for the last two years, adopted with respect to Ireland. Other persons, he did not mean members of their lordships' House, but of the other House of parliament, might allege, with at least equal truth, that the present tranquillity of Ireland was owing to the many judicious amendments introduced by them into those muchboasted measures of his majesty's ministers. But, whatever difference of opinion might exist as to the cause of the tranquillity, there was but one as to the fact; and he had, therefore, a right to assert, that either there was not in Ireland a body willing to disturb, or, what would answer his argument equally well, a body able to disturb the peace of the country. What a moment, then, was it, which was chosen for this extraordinary proceeding! As if some great conspiracy had been dicovered, as if some dreadful treason had burst forth, their lordships were to be called upon to impose new and unheard-of restrictions on the liberties of the people, without giving themselves the trouble to inquire into the existence of the supposed evil, or its specific nature, if it existed. This, too, they were called upon to do in a case which, as he should show by-and-by, was one which no law could reach. But he should perhaps be told, that all inquiries of the nature of those which parliament was accustomed to institute on similar occasions, were unnecessary on this, because their lordships had only to govern their proceedings by the notoriety of the case. If, however, there was any one case or subject on which it was impossible to use this argument of notoriety the present was that one, because it was a

case in which the persons who had the best opportunities of information had been most notoriously deceived. He did not mean to allude to the imperfect knowledge of persons in this country, or sitting in that House; but to the actual law-officers in Ireland, whose business it was to inquire into the nature of the case, and who had the best means of obtaining a knowledge of it. They had, however, as it appeared—and this seemed to be owing to the very nature of the subject—allowed themselves to be completely deceived. That the Irish public was not hostile to the Catholic Association, might be inferred from the result of the late prosecution of one of its members. In that case, the witnesses produced to support the charge turned round and contradicted themselves; and this defeat of the law officers of the Crown took place, not before a petty, but before a grand jury. He should be doing injustice to the talents of the legal persons to whom he had alluded—and no one rated their talents higher than he did—if he supposed that they were accurately acquainted with the state of the facts when they went before the grand jury. The subject, indeed, was one on which they were liable to be deceived, and all the information they had received had left them in the dark, as to what really passed within the walls of the Association against which they had proceeded. He, therefore, must conclude, that the present was, in a peculiar manner, one of those subjects, upon which their lordships, instead of relying upon assertions, loose reports, and newspaper statements, ought, before they committed themselves in so difficult a task as finding a remedy for the evil, to inquire strictly into its nature. When any measure was proposed to be adopted, arising out of any imputed danger, more especially when that measure was one which affected the rights and privileges of the people, all persons would surely agree with him, that it was necessary for their lordships to satisfy themselves on three points. They had, in the first place, to satisfy themselves that there existed a great evil to be corrected. They had next to satisfy themselves as to what was the nature of that evil, and by what remedy it could be put down. They must, in the third place, satisfy themselves that in thus extinguishing the evil of which they complained, they did not create a greater mischief in its stead. Now, in all these points, their lordships required information, which could only be obtained through the despatches he called for. Considering, however, the uncertain nature of the evil—considering how difficult it was to apply a remedy to it—their lordships must perceive how particularly necessary it was, in this case, to learn what the nature of the evil was, from those who had the best opportunities of knowing it. This was the only method by which they could judge what remedy ought to be applied. They were about to engage in a task, the execution of which, even with the information he called for, and most certainly without it, would be of a most difficult nature. It was one of which their lordships might see the commencement, but of which they could not foresee the end. The noble and learned lord on the woolsack was reported to be the parent of the forthcoming measure; but, under whatever auspices it might be introduced, he was sure that it required so much nicety, such exquisite legal tact, that it could not be committed to any other than the highest and ablest hands. The noble and learned lord had undertaken a task which would require all his ingenuity. No man had a higher sense of his talents than he had; but, after all he could conjecture, and every estimate he could form of the abilities which the noble and learned lord was bringing, or had by this time brought to the task, he could not anticipate any cess to the measure which was about to be introduced. In the absence of all information, he was under the necessity of collecting from report what the intended measure was to be. If, as was said, the object of the measure was to extinguish the Catholic Association and the Catholic rent—if the noble and learned lord could accomplish this without disturbing, in a very considerable degree, the existing relations of society, he must acknowledge that the noble and learned lord would surpass any chancellor that ever existed before him; but he would tell him that unless he could pass a law making it penal for persons to say that they placed confidence in others—unless he was able to prevent people from giving away their money—unless he could prevent the sentiments expressed by the mouth of one man from reaching the heart of another, and the money of one man from passing into another man's pocket—unless he could do all this, he would do nothing. The noble and learned lord would do

well to look at the difficulties of the task, for it was most difficult and hazardous; but he must say, that if the noble and learned lord were capable of doing it, he would immortalise himself.—Before he proceeded further he would just notice an argument that would probably be urged in support of the intended measure. Indeed, he knew, that the noble earl opposite, in order to smooth the proceeding through that House, had said, that it was not a substantive bill, but merely an amendment of the Convention act. Now, there was a most material difference between the two measures, and one which those who brought this forward would do well to consider. The Convention act was passed to prevent a form of proceeding which, whether it was an offence or not, was a tangible object. He would not enter into any discussion of the principles of government at the present moment; but, while waving all questions of that sort, he should be sorry to give an unqualified opinion against delegation; because, the greatest and best men this country ever produced, had considered delegation a fit and constitutional mode for the people to resort to, to obtain a redress of grievances. The Catholics might, on this question, quote the opinion of a noble friend of his—the noble lord who lately moved an address to the throne, and whose opinion can surely have lost none of its authority with the other side of the House,—that "delegation was not only innocent, but a proper and legal remedy for grievances." He, however, admitted, that delegation was a practice perfectly tangible by law; and one, he must also own, which he thought ought not to exist in Ireland, in the present state of the country. In like manner, the law against secret oaths was a law capable of application. Their lordships might say, that the outward form of an oath should not be administered, for that form was, like the conventional delegation, a tangible object. But now, when there was no outward form, when no compulsion or binding by oath was resorted to, and when all that was done was founded in confidence, he would ask, what could be accomplished by any law, more than merely getting rid of certain words? The noble earl opposite might object to the term "association," or he might object to the term "rent," especially to the latter, as it was an object with many people that every thing under that name should take a very different direction. Their lordships would recollect, that a secretary for Ireland had set himself against the word "committee," and succeeded in getting rid of it; but the term "association" took its place. In like manner, the noble and learned lord might get rid of the words "association" and "rent," but the question was, would not the people still meet, and still pay rent in spite of the law? The noble and learned lord would find his task more difficult than even that which another sort of chancellor encountered, when he endeavoured to make the people of Ireland pay money against their inclination. Finding it extremely difficult to make them pay any thing, he applied a remedy to the evil, which was by not asking them to pay at all—namely, by remitting the taxes. The noble and learned lord would find it a hard task to prevent the Irish from paying their own money in any way in which they wished to pay it. Whatever might be the law, it was always difficult enough to get money into one's pocket; but he had never heard of any difficulty in getting money out of it. He was perfectly convinced that the noble and learned lord would not obtain his object either with the association or the rent; the people would still fall upon some method of assembling; and with regard to the rent, which was thought so alarming, the noble and learned lord certainly could never cause it to be less, but his measure might very well cause it to be more. The effect of the noble and learned lord's measure was likely to resemble that of a proceeding which occurred in the French Academy. The poet Piron being about to publish a work, applied to a member of the Academy to make a speech against it, and state that it was a most detestable work, as he should then be sure to sell every copy of it. Now, had he been a member of the Catholic Association, and could have gained access to the noble and learned lord, knowing that parliament was going to meet, he should have asked him to say that the Catholic rent was a very bad thing; and then he was sure that it would soon be doubled. And here he would venture to tell their lordships an anecdote which, though relating to ancient Irish history, was not unconnected with the present subject.—In a remote period of the connexion of the two countries, he believed as far back as Henry 8th, when those acts of violence which had always been too frequent in Ireland, prevailed to

a great extent, the Irish were accustomed to vociferate two exclamations, or invocations, he did not know which to call them, but the words were *Crom a boo* and *Butler a boo.* The correspondents of the English government wrote representations, stating that those words were doing great mischief—that they were the cause of all the outrages which were committed. A meeting of the cabinet immediately took place; but history did not inform us whether there was on that occasion any difference of opinion, or whether the division, if there was any, was straight or serpentine. It was resolved, however, that the obnoxious words must be put down, and an act was passed for abolishing the words from the Irish language. This might be seen upon examining the act: but, considerations of humanity dictated a provision, which stated, that as the Irish, in their then state of excitement, would not be quiet if they were not allowed to use some exclamation, they might be permitted to call out "St. George," but that if they persisted in using the proscribed words they should be hanged. Now, history did not relate whether this law had the effect of making the Irish discontinue the mischievous words, or whether they adopted in their stead the more loyal exclamation prescribed for them: but, the outrages continued as violent as ever. This act, then, had failed; but he could not tell how far the subtile refinements of modern politicians might succeed in the present. He doubted, however, their success. Their lordships must recollect that it was against words, and words only—things which could not be made subject to law—they were called upon to legislate. Their lordships, however, would do well to consider what might be the consequences of their legislation; for this was one of those serious and important subjects in which, if they should fail, they could not say that they would be able to return to the state in which they stood before their failure. It became them to consider whether, by expressing an apprehension of the Association, they would not give importance to it, and increase substantially the very powers which they were about to abridge nominally, and thus furnish arms against themselves. It was not necessary for his purpose to take any opportunity of apologizing for, or explaining, the proceedings of the Association. He thought nobody had any right to judge of those proceedings from report; but he had no objection to state, that if the reports of the proceedings of the Association which had, from time to time, reached him were correct, he saw much in those proceedings to disapprove, both with respect to the body collectively, and the members of it individually. But, having said that, he must also say, that he did not think it was possible—certainly it was not probable—that any large assembly, composed of persons labouring under political grievances, and agitated by what Protestants called religious passions, or even those circumstances apart, could meet and carry on frequent debates on all subjects—though God forbid that they should not have the power—without circumstances arising, or much being said and done, which he and other persons, taking a totally different view of the subject, must disapprove of. He was likewise bound to state, that there were some of the proceedings of the Association, of which he entirely approved; but, because the proceedings of the Association were of that mixed character, he would not therefore attempt to put it down and extinguish it, conceiving, as he did, that it grew almost necessarily out of the condition of the great majority of the population of Ireland. There existed on the surface of society evils of all descriptions, resulting from the habits and passions which degraded human nature, which no reasonable man thought of attacking, because they eluded the grasp, and deceived the eye of legislation. If this was the case with respect to the habits and passions of society, how much stronger did it apply where the opinions of society only were concerned. In a country divided by opinions on religious and political matters, it was proper that individuals should have an opportunity of presenting their opinions publicly before the rest of the community. Whether the opinions promulgated were right or wrong—whether the prejudices which existed were well or ill founded—it was desirable that they should be expressed openly, and not in secret and confined places. Opinions resembled those fluids and vapours with whose extraordinary powers the world was daily becoming more intimately acquainted, which, if pent up, would explode and sweep every thing before them; but which, if allowed to mix with the free and unadulterated air, lost at once their mischievous powers. On that account,

he thought that parliament ought to pause before they attempted to suppress the expression of opinions of which many persons might even justly disapprove. He would now move, "That an humble Address be presented to his majesty, praying that he would be graciously pleased to direct, that there be laid before the House, copies of all despatches from the lord-lieutenant of Ireland, relative to the religious and political Associations in that country, and their consequences."

The Earl of *Liverpool* said, that when any individual in that or any other assembly was about to make a motion respecting a particular proceeding, it would be as well if he would take the trouble to inform himself of the nature of that proceeding. If the noble marquis had thought proper to wait two or three days, he might have fully satisfied himself with respect to the proceeding to which his motion referred. It was perfectly true, that in the Speech from the throne, his majesty after congratulating parliament on the tranquil state of Ireland, alluded to certain political associations, stated to be pregnant with the worst consequences, and called on their lordships to consider whether any remedy could be applied to those evils. It was also perfectly true, that their lordships had carried up an address to the throne, wherein they stated, that they would take the subject into consideration, and endeavour to ascertain whether any remedy could be applied to the evil pointed out by his majesty. There the matter rested at present. The noble marquis might know, from the votes on the table, that it was the intention of his majesty's ministers, in a few days, to introduce, elsewhere, a measure applicable to the subject which had been brought under their notice by his majesty's Speech; and he conceived that it would have been the proper and regular course for the noble marquis to have waited to have seen, before he made his motion, what that measure was, with respect to which he appeared to be completely mistaken. But, he would argue the question on the supposition of the noble marquis. The noble marquis said, that no attempt ought ever to be made to abridge the liberty of the subject, without an inquiry being instituted on information laid before parliament. If the noble marquis meant, that no measure having for its object to abridge the liberty of the subject ought ever to be adopted without their lordships being put in possession of sufficient grounds to justify such a proceeding, he perfectly agreed with him in that proposition. But, those grounds might be, as he should have occasion to explain, facts of general notoriety, which were as well known to all their lordships, or might be, as they were to the executive government. The noble marquis had asked, on what principle the proposed measures were to proceed? On the principle upon which their lordships acted two years ago, when they adopted a measure affecting what were called Orange societies. Their lordships on that occasion did not ask for a tittle of evidence, or enter into any inquiry on the subject: but, could it be said that any of their lordships knew half as much of those societies as they did of the Catholic Association? He was not arguing that their lordships, in acting in that manner regarding the Orange societies, had acted rightly. He merely stated the fact, that they acted without any inquiry or official information, and only on the notoriety of the case. The advocates of the Orange societies, if there had been any in that House, might, with some reason, owing to the nature of those societies, have asked for information respecting them; but, not so with respect to the Catholic Association, the whole of whose proceedings were public. If it were intended that the measure about to be brought forward should rest on official information, or upon any principle of confidence in his Majesty's government, he would agree with the noble marquis, that before their lordships adopted the measure, there would be fair ground for calling for inquiry or information. He had no difficulty in saying thus much—that the measure intended to be introduced would not be founded on any official information, nor on any principle of confidence in government, nor, indeed, upon any circumstances which might not be equally as well known to any one of their lordships as to his majesty's ministers. It was the boast of the Catholic Association—he alluded only to the fact, making it neither matter of praise nor blame—that all their proceedings were public—that every thing they did, was done in the face of day, and laid before the whole world. If their lordships should think fit to adopt any measure affecting the Association, they would adopt it on that which was admitted by the Association, and which no member of it would deny. He

had already quoted one precedent for the intended proceeding, and he might, he had no doubt, have found many others if he had sought for them. He could see no ground for adopting such a motion as the one proposed by the noble marquis, at any time, much less when the measure to which it referred was not yet before their lordships.—The noble marquis had thought proper to suggest all the difficulties which would occur in framing an act which was to affect the Catholic Association, or other societies. Why should their lordships discuss the subject in the dark? Let them wait till they could discuss it in the light. They would soon have the measure before them, and might deal with it as they should deem fitting. The noble marquis assumed—for what reason he could not divine—that the proposed measure was the contrivance of the noble and learned lord on the woolsack. Why it should be supposed that the noble and learned lord must be the contriver of any measure of the kind, he was really at a loss to imagine. Undoubtedly, the noble and learned lord being one of his majesty's official advisers, the measure could not be introduced into parliament without his concurrence, but certainly it was not any part of his duty. The noble marquis said, that the Irish government had nothing to do with the measure. He denied the correctness of that statement. The measure was the measure of the Irish government, approved of by the English cabinet. It was the measure of the Irish government, resulting from a deep sense of its necessity to preserve peace and tranquillity in Ireland.—He would not then allow himself to be led into a discussion of the provisions of the bill, or of the proceedings of the Catholic Association; but he would ask, what must be the effect of the political and religious animosities which such a society as the Catholic Association must produce in that part of the empire where it existed? Could the matter stop as it at present stood? The noble marquis had said, that there would be inflammatory speeches made in all public assemblies. He was disposed to admit that to a certain extent, and also that such speeches sometimes served as a vent for angry feelings; and so far were not without their advantages. But there was, in his mind, a great and important difference between inflammatory speeches made in a divided assembly, and inflammatory speeches made in an assembly whose whole principle and object was professedly to be united. If men of different persuasions were brought together to discuss a particular measure, warmth on one side would produce warmth on the other, and it was impossible to contemplate it with any degree of asperity. But, in an assembly of men having all the same object, and professing all the same thing, inflammatory addresses must be looked upon with a different feeling. He was, however, willing to admit, that with those qualifications, he was not disposed to lay much stress on inflammatory speeches, except in so far as they were constructive of acts. The inflammatory speeches delivered in the Catholic Association had been acted on! but he would not go further into that subject at present. The noble marquis said, that some evidence of what was the state of feeling in Ireland with regard to the Association was to be found in the result of the proceedings which had been instituted against one of its most able and powerful members. The case had failed before the grand jury. He did not know the noble marquis could draw any inference from the not finding the bill, as to the opinion of the grand jury, or any other body, with respect to the Catholic Association. The individual was indicted for uttering certain words, which were considered by the law officers of the Crown in Ireland, to be seditious. The grand jury, however, did not ascribe the same intepretation to the words that the law officers had done; they therefore ignored the bill, and the individual was not sent to trial. Did that circumstance lead to any inference whatever as to the conduct of the Catholic Association, or the light in which it was viewed in Ireland? He knew of nothing more injurious to the liberty of the subject, and the due administration of justice, than the drawing of general conclusions from individual cases. It was the law of England, that an accused individual was to have the benefit of any doubts which might exist in the minds of the grand or the petty jury. He would be the last man, after an accused individual had been acquitted, to bring the case forward again, unless it were a very gross one indeed. With those feelings, he bowed to the decision of the jury: it was good for the case under consideration, but he must deny that it was applicable in a general way. Having said thus much, he would add a word with respect to the conduct of indivi-

duals; it was on the acts of the body itself that the opinion of parliament should be founded. Whether, when the intended measure came to be discussed, he could or could not bring sufficient evidence of the improper conduct of the Association, he would not at present discuss; but it was impossible for him to allow the subject to pass without alluding to one circumstance. If there had been inflammatory proceedings on the part of the Catholic Association, there never was a time when they were less justifiable than the period at which he was speaking. There never was a time when they were less justifiable on account of the prosperity of the country—if that were a consideration; and by some it would be deemed so, because distress always produced a moral effect on the minds of individuals. There never was a time when they were less justifiable on account of the general conduct of government! for he called upon the warmest advocates of the Catholics, and those who most strongly condemned the policy by which Ireland had been hitherto governed, to declare, whether there ever had been a period when justice had been more fairly administered between all parties, or when government had shown a stronger desire to act with kindness towards the Catholic body, than during the last few years. But that was not all. The subject remained to be considered in another point of view. He had stated, on the first day of the session, that he looked upon the Catholic Association, and those who supported it, as being—unintentionally perhaps, the most of them—the greatest enemies of Ireland, since they checked its prosperity, drove wealthy people out of the country, stopped the flow of capital into it, and excited animosities which it was the wish of the government to allay and remove. It was impossible such a body could exist without creating opposite associations, and thus defeating the object of government, who anxiously desired to extinguish all religious differences, and to promote peace and charity among all mankind. If parliament should not deal equal justice, and put down all associations, what would be the consequence? They must permit all associations; and if they did, they would produce a state of rancorous religious, and political animosity, totally incompatible with the well-being of any country in the world. He had said on a former night, what he would now repeat, that if it were only for the interests of the Catholics themselves, the intended measure ought to be adopted. It was calculated to advance their interests more than those of any other class. His objection to the motion was, that it was unprecedented, and that it had reference to a measure of which the House at present knew nothing. He also must contend, that their lordships would stand in need of no information respecting that measure, because it would be founded on no special knowledge or official correspondence in the hands of ministers, but on that which was matter of notoriety, and might be in the possession of every one of their lordships.

Earl *Grosvenor* said, he should give his decided support to the motion. It seemed to him that the noble earl had altogether misunderstood the drift of his noble friend. He had forgotten that the motion, which he referred only to a future bill, had arisen out of the Speech of his majesty. The noble earl had assumed that the Association was destructive of the peace and happiness of Ireland; but he should recollect that there were many persons, both in and out of parliament, who had avowed it as their opinion, that instead of producing mischievous effects, it was calculated to secure the peace and advance the prosperity of that country. For his own, he would say to the Catholics of Ireland "Persevere, and do not relax in your legal endeavours to obtain your just rights and to secure the blessings of equal law for yourselves and your posterity."

Lord *Holland* observed, that the noble earl opposite had commenced his speech by an argument on the course of proceeding. The noble earl conceived that his noble friend had submitted a motion which had reference to some measure about to be introduced to that House, and he was so prodigiously pleased with the discovery that he had ended his speech with a recapitulation of what he had said about it at the beginning: but, both at the commencement and the end of his speech, and through the whole course of it, the noble earl had very carefully and prudently abstained from stating to their lordships what the motion was, or from giving any reasons why the information which it sought should not be granted. He had contented himself with saying, that the motion had reference to something of which the House knew nothing. Now he (lord H.) said, that the motion had refer-

ence to the King's Speech, and to some points stated in that document. The refusal, and not the demand, of the information on the present occasion, would be unprecedented, indecent, and radically unjust. How often had the noble earl and his colleagues come down to that House calling for committees, and furnishing papers and information, which were all to end in laws abridging the liberties of the people? He had never heard any person on his (lord H's) side of the House, when the noble earl had brought down his accursed green bags containing volumes of papers libelling the people of England, cry out "What is the meaning of all this? There is no bill before us: it is in the House of Commons." Although no man could feel a stronger objection than he did to the appointment of committees for the purpose he had mentioned, he had never been heard to say, "Do not go into the committee, because you do not know what may be the result of your inquiries." It was a strange proposition, that when the House was called upon to apply a remedy to an evil, they should not inquire into the nature and extent of the evil because they did not know what remedy might be adopted. He was of opinion, that if the nature of the motion were properly understood, it would be impossible for the House, if they had any respect for their character, or wished the measure about to be proposed to carry any weight or consideration out of doors, not to agree to it. The noble earl said, that a precedent for the intended measure was to be found in the bill which the House passed respecting the Orange Societies. He denied that it was a precedent. The noble earl was fond of precedents; and if he could have found any better, he would not have been content with such a curious one as that which he had brought forward. The noble earl took it for granted, that the House was unanimous with respect to the bill which affected the Orange Societies. Though he (lord H.) did not take a strong part against that bill, he said "not content" to its passing; and he felt that he ought to be ashamed for not stating his reasons for doing so at the time. He certainly entertained no great predilection for the persons affected by the bill, but he said "not content," because he disapproved of the principle. How was it that the House was reconciled to the law which the bill enacted? It was merely the extension of a law already existing in England. And how did the House suppose that law was originally introduced? In a committee by the late lord Melville, then Mr. Secretary Dundas, after a long and painful inquiry. The conduct of government on the present occasion was quite unprecedented. From what had fallen from the noble earl, it seemed, that the pattern and model to which he looked with respect to the intended measure, was the Irish Convention act. If he (lord H.) were going to look for the model of any legislative proceedings, it would not be in the Irish Statute-book that he would look for it. If he were going to look for a precedent it would not be in the frightful epoch of 1793 that he would search for it with the least distrust. But after all, the Irish parliament must have justice done it. At the time the act was passed there was a threat of a convention to be held at Athlone, for purposes legal in description, but there was reason to suppose with other designs. The opinions of the first lawyers of that day were collected on the subject, and the result was, the passing of the act. It should be recollected, likewise, that we were then on the eve of a war with that country which held forth its arms to receive the discontented of all countries, but more particularly those under the dominion of his Britannic Majesty. What was the course then taken? The noble keeper of the Privy Seal, sitting opposite (the earl of Westmoreland), was then viceroy of Ireland. He did not know whether the noble earl would take it as a compliment or a censure, when he said, that he was never particularly squeamish with respect to what measures he thought necessary for the protection of government. Whatever might be the merits of his oratory, the noble earl was never very meally-mouthed in denouncing against those who plotted against the government. But, surrounded with all the dangers to which he had alluded, what had been the conduct of the noble earl when he came down to the Irish parliament? Did he, as ministers had done on the present occasion, mark out conventions for the notice of parliament in the Speech from the throne? No, he recommended conciliation and concession to the Catholics. He began by a boon, and afterwards proceeded to adopt the measures which he thought necessary for the safety of the state. The Convention act

of the 33rd of the king was preceded by the 29th of the king, which conferred upon the Catholics almost the only privileges which they enjoyed. He was glad that his majesty had not himself delivered this Speech, in which he had been advised to mark out by name this Association. He contended, that the nature of his noble friend's motion was mistaken. The question was not whether or not the alleged grievance required a remedy; still less was it, whether it was to be remedied in a particular mode; but the question before their lordships was, whether they were to proceed to the adoption of an important measure with or without information on the subject? It might be said, they had the King's Speech. He admitted they had; but first, he would consider that paragraph of it which referred to Ireland. He had read that paragraph over and over again, and still he knew not how to understand it. It began by saying, that the Irish were more prosperous and industrious than ever, and then it stated, that Associations existed in that country, which were an evil that called for a remedy. Now, if the noble earl meant that no information should be afforded to the House until after the remedy was brought forward, why recommend an inquiry? Sure, after the remedy was adopted, their lordships might then go into the inquiry! "This motion," said the noble earl "is unparliamentary—Why, before you have a bill introduced, will you inquire whether you want a bill or not?" He now came to the only information they had upon the subject; namely, the King's Speech; and even according to that, if any measure were to be adopted upon it, it ought not to be adopted rashly; for it was stated in that Speech, that the condition of Ireland was prosperous, therefore there was full time for inquiry. But, what was said of the evil? With their lordships' permission he would read the whole of that part of the Speech. "It is no small addition to the gratification of his majesty, that Ireland is participating in the general prosperity. The outrages for the suppression of which extraordinary powers were confided to his majesty, have so far ceased as to warrant the suspension of the exercise of those powers in most of the districts heretofore disturbed. Industry and commercial enterprise are extending themselves in that part of the united kingdom. It is, therefore, the more to be regretted that Associations should exist in Ireland which have adopted proceedings irreconcileable with the spirit of the constitution, and calculated, by exciting alarm, and by exasperating animosities, to endanger the peace of society, and to retard the course of national improvement." Now, there was nothing here to warrant haste on the part of the ministry, nor did his majesty recommend the hasty adoption of any measure: the words were—"His majesty relies upon your wisdom to consider without delay, the means of applying a remedy to this evil." Now, he knew no means of applying a remedy to an evil better than by inquiring what the nature of it was. A noble lord said, "Let us hear what is the nature of the evil in Ireland." To which the noble earl replied, "Yes you shall hear it, but it shall be from my own mouth." There was, certainly, to use a term which had been well applied elsewhere, something "serpentine" in this part of the Speech. On the one hand, there was a recommendation of inquiry, and on the other hand an allegation of the existence of certain evils. Let the House have all the information that was to be had on the subject; for surely it would not be treating the people on the other side of the water well to recommend the adoption of some measure, without first letting the House know what that measure was. But before discussing the necessity of removing any danger, it might be right to see if any danger existed. Let them look at the passage upon this subject in his majesty's Speech:—"It is therefore the more to be regretted, that Associations should exist in Ireland which have adopted proceedings irreconcileable with the spirit of the constitution, and calculated by exciting alarm, and by exasperating animosities, to endanger the peace of society, and to retard the course of national improvement." Now, when he read this passage, he looked round him to see what this Association was; and it struck him that it was the Irish cabinet. That, indeed, was an Association contrary to the spirit of the constitution of this country; for it was formed upon a system of disunion and counteraction, which might be seen in every one of its measures, and which was only equalled in this respect by the English cabinet. It now seemed that the spirit of compromise which pervaded the acts of this cabinet ran further, and found its way into the King's Speech. It was marked by the greatest inconsistencies, like the conduct of the Attorney-general

of Ireland, who ran into the opposite extremes, and cried "Crom-a-boo," and "Butler-a-boo" also. Could any thing be more likely to perpetuate the animosities alluded to than this? It pervaded not only the actions of ministers, but the Speech of his majesty to that House. The serpentine line pervaded every part of it—

——"Penitusque in viscera lapsum
Serpentis furiale malum, totamque pererrat."

The real question before their lordships was, whether or not, when they were called on from the throne to legislate on evils said to exist in Ireland, they were to do so in the dark? The evils here described were, exciting alarm and exasperating animosities, and thereby endangering the peace of society, and retarding the prosperity of the country. Now, the line of conduct adopted by the government seemed to him to be exactly calculated to keep up these animosities, until one of the parties at length carried its object by force; for he could not help thinking the present measure the most impolitic that ever was proposed. When the Convention act was passed in Ireland, that great and good man, Mr. Grattan (the greatest and the best his country ever produced), called it an act for the gratification of spleen. That act empowered a magistrate to dissolve any assembly, and take the Speaker's chair away, and turn him out of doors, save and except the knights, burgesses, and citizens in parliament assembled (which saving clause, by the way, did not save them, for they shortly afterwards ceased to sit), and save and except the congregation of a church. Now they (the House of Lords), in framing a similar act at present, must draw up a clause, saving and excepting his majesty's cabinet of ministers, and those councils to be summoned for the advice of his majesty—He had, perhaps, trespassed too long upon the attention of the House, considering the narrow grounds on which the question before their lordships rested. If they took the necessity of any measure for granted without receiving any information respecting it, contrary to all custom, and all reason, such a measure, when adopted would have the character of passion or of servility, and not the character of justice. If the necessity did exist, where so many millions were to be affected by the measure, it was, indeed, a frightful necessity, still their lordships were bound to obey it; but he conjured them, as they valued the safety of the empire—he conjured them, as they valued the liberties of their fellow-subjects—he conjured them, as they valued the character of the laws of this country—not to have recourse, without full and substantiated evidence of that necessity, to so baneful and disgusting a measure.

Earl *Bathurst* said, his noble friend had not contended for the proposed measure, except upon such public information as would leave no doubt of its necessity. He, however, must despair of the vote of the noble baron opposite, if, looking to the spirit of the proceedings of the Catholic Association in Ireland, he did not consider it essential to the tranquillity of that country that such an Association should not be permitted to exist. His noble friend had stated, that he would not be drawn into a premature discussion of the means by which associations were to be put down. When the bill should be brought forward, their lordships would have an opportunity of judging whether the means suggested were adequate to the end proposed on the one hand, or trenched too much on the liberty of the subject on the other. The individual who was to bring forward this bill was the secretary for Ireland. It was, therefore, to be considered strictly as an Irish measure, recommended by the government of Ireland.

The Earl of *Carnarvon* stated, that he was surprised that the noble lord on the other side should oppose the motion, after so many things had been brought forward by his majesty's ministers, which they were pleased to call statements; though he could not find that any thing had been stated. The noble lord refused them information, although he wished to persuade them that there existed in Ireland something dangerous to the constitution, and that it was that something that had induced them to put into his majesty's Speech words for the purpose of inducing the House to adopt measures likely to trench on the liberty of the subject. In what a situation were they placed by the noble lords? For his own part, he supposed, that as the cabinet was made up of members of very diversified opinions, so, in type of the disarrangement contained therein, the Speech had been organized by each putting in a sentence, some of which were contradictory of others, and the address that had been returned in answer to the Speech, was, as usual, an echo of what it contained. To that address he

had said Not-content, and he had done so, because it did not pledge them to make every inquiry, and give his majesty such advice as they might think essential to the safety of the kingdom, but pledged them to adopt measures for the remedy of an evil with which they were not to be made acquainted. And then they were told, that it was no business of theirs; that they were to gather their information from another place; that they were to wander on in the dark. To the address, therefore, he had not given his consent, as he considered the pledge that it contained a rash one. For even if they were to receive any light on the subject, whence was it to come? Was the bill that should be sent up to them from the House of Commons to be their only source of information? Were their lordships to say Content or Not-content, without asking for further information, or exercising their own judgment? Were they to proceed in this way, upon such a measure as this, when they would require evidence before them in support of the most unimportant private bill? The noble earl said, that all the information was to be derived from the newspapers; and in the same breath he stated, that the proposed measure was to be founded on the despatches received from the lord lieutenant of Ireland, and not on the notoriety of the circumstances which called for it. The ministers said to the House, "We act on despatches; the newspapers are enough for you." Why not give the facts, and the reasons on which the Irish government asked for this step? If a rebellion or conspiracy was to be put down—if captain Rock was in the field—then would they have loaded the table with documents. But Ireland was now tranquil. The people had appealed to the laws. By their peaceable and constitutional conduct they had disconcerted the cabinet. But, was it really true, that this information was withheld from a feeling, on the part of the noble earl at the head of the law department, that no bill could be framed to meet the exigency of the case? Was this the true cause of this reserve? It was quite wonderful that the usual topics of declamation should no longer find a supporter amongst them. Strange that their lordships should hear nothing of "steady loyalty," and "rallying about the throne"—topics which used to be so eagerly seized upon by the noble lords opposite, upon occasions such as this. The real cause of fear on the part of the cabinet, was the unanimity of the people of Ireland. They had reason to apprehend much from the harmony, the unprecedented concord, of the Catholics; and, when they talked of the dangerous acts of this body, they ought to be told, that the most dangerous acts which could be committed, were those of passing measures of severity, without exhibiting to the world the facts that would justify them. He should give his support to the motion.

The lords then divided: for the motion 20. Against it 42. Majority against the motion, 22.

HOUSE OF COMMONS.

Tuesday, February 8.

Usury Laws Repeal Bill.] Mr. Serjeant *Onslow* rose, in pursuance of notice, to submit to the consideration of the House, a subject which, in the course of the last session, had met with considerable support, the numbers in favour of the second reading of the measure being 120, and the amendment having only had the support of 23 hon. members. Recollecting the manner in which the Speech from the throne had approved of those liberal measures which the House had adopted, respecting free trade; recollecting the unanimous address of the House favouring the removal of all those absurd restrictions which had been heaped upon commerce, he could not but anticipate, in favour of his proposition, the strongest support. If ever there was a system of laws founded, he would not say in bad policy, but in no policy at all, it was the system of regulations respecting usury. But he had so often had occasion to enter into arguments on the subject, that he thought it unnecessary to fatigue the House at present. In the course of the discussion last year, no objection had been made to the principle of the measure, but they had heard many predictions of the evil consequences likely to arise therefrom. Now, in the first place, he would take leave to say, that the fear of some inconveniences was no answer to his argument. In legislation, we must look at the greater and the lesser evil; and it appeared to him, that there never was a period more suitable for such an alteration in the law as he proposed, than the present. No one could deduce an objection from the present state of the money market. Many contended that no alteration ought to be

made, because at present the law was inoperative; but, it seemed to him much wiser to make the change now, than to defer the improvement to a period of difficulty and danger. The learned serjeant then entered into the further objections urged against his measure, and concluded by moving, for leave to bring in a bill "to repeal the laws prohibiting the taking of Interest for Money, or limiting the rate thereof."

Mr. *Davenport* opposed the motion, on the ground that it would involve the landed interest in ruin; and expressed his determination to take the sense of the House upon it.

Mr. *John Smith* expressed his regret at the disposition he perceived to resist the introduction of this very beneficial measure. It was certainly in the hon. member's power to do so, though the practice was now extremely rare. Indeed, he looked upon this species of opposition as a triumphant proof of the excellence of his learned friend's bill, which had been supported by arguments which he had never heard answered. He trusted that his hon. and learned friend would not pursue the course which he did last year. That course—he spoke it without the slightest intention to blame his hon. and learned friend—had led to the ultimate defeat of his bill. His hon. and learned friend had deferred his measure, not once or twice, but a dozen times at least, to meet the convenience of the gentlemen who opposed it; and the result of his conciliatory conduct had been, that they had assembled one night, when no discussion was expected, in numbers sufficient to throw it out. He hoped that if his hon. and learned friend carried his motion that night, he would bring forward the second reading of his bill on a very early day, when there was certain to be a full attendance of members. He was convinced that the opposition which was threatened by the landed interest, originated entirely in mistaken notions on the subject.

Mr. *Curwen* said, that he was one of those who had invariably opposed the measure, and with his views upon the question he did not think that he should have performed his duty if he had not stated, and acted upon, his sentiments. He thought that the present was a most injudicious period for bringing forward the subject, when the money market was so overstocked, and speculative theories were so numerous. He would hold by the old laws, and would even propose to enact them, if they did not exist, in consequence of the numerous speculations now abroad, which were such as to stagger credibility. If he was rightly informed, these speculations would require a capital of 160 millions to carry them into effect.

Mr. Serjeant *Onslow* considered the argument just advanced by the hon. member for Cumberland, to be the most extraordinary of all he had ever heard in support of the usury laws. If the hon. member for Cheshire thought fit to take the sense of the House upon his motion, it was, though not very courteous, certainly parliamentary for him to do so.

The House then divided; for the motion 52. Against it 45. Majority, 7.

County Courts — Small Debts Bill.] Lord *Althorp*, rose to move for leave to bring in a bill, "for preventing delays and expenses in the proceedings of County Courts, and for the more easy and speedy Recovery of Small Debts in England and Wales." He observed, that after the former discussions on the principle of the proposed measure, it was not necessary to enter into any details, as the bill he should have the honour to introduce, was precisely the same as that of last year, with one exception. It was in the recollection of the House, that the reason of the rejection of that bill was, that it did not provide compensation for the sinecure offices. It certainly was his individual opinion then, that such officers should not be compensated, and that conviction he still entertained. As, however, the want of such a provision hazarded the passing of the bill, and as he felt that the value of the principle was more than an equivalent for the exception, he should introduce a clause granting such compensation. He should, however, propose the appointment of a select committee, with the view of ascertaining how many officers were entitled to compensation, and he believed that the inquiry would prove that the number was smaller than was apprehended.—Leave was given to bring in the bill.

Irish Marriage Acts.] Dr. *Lushington* rose to move for the copy of a committal of four persons to the gaol of Londonderry, on an alleged violation of the Irish Marriage Acts. It appeared, from the statement of the circumstances

which had been given to him, and which he had every reason to believe correct in all the main facts, that two men, professing the Popish religion, were married by a Roman Catholic clergyman to two females of the Church of Scotland, Presbyterians. On that event taking place, it so happened, that an information had been laid before certain magistrates of the county of Londonderry. On the receipt of such information, they issued summonses to the four married persons, and called upon them to give evidence as to the Catholic clergyman who married them. They refused, and were committed to the common gaol, there to remain for three years without bail or mainprize. In that prison the husbands and wives were kept apart. That, at least, was no part of the statute. The only offence, it would be recollected, of which these husbands and wives were guilty, was, that they refused to give evidence of what the law called the illegality of the celebration of the marriage, and refused to betray the clergyman whom they solicited to perform a certain act. He held in his hand an abstract of the various statutes passed, from time to time, by the parliament of Ireland, to prevent the intermarriage of Protestants and Catholics, through the intervention of a clergyman of the latter persuasion. Such a catalogue was a melancholy illustration of the merciless spirit which actuated the legislature in that country. It shewed the object at which they aimed, and that they were actuated by no regard, whether or not the principles of justice and of law stood in their way. Such a violation they disregarded, as well as the feelings and natural disaffection of those persons on whom these laws were to operate. Though the severity of those very enactments was calculated to render them inoperative, the men who acted under such a spirit of legislation were never awakened to the real evil. Severity followed severity, and each succeeding act exceeded the other in the malignity of its provisions. The act of the 8th of Anne made the celebration of a marriage by a Catholic clergyman, between a Catholic and a Protestant, a capital felony; and in order to secure a conviction, it presumed, that the mere fact of one of the parties so married being a Protestant, was competent evidence against the Roman Catholic priest, that he knew it. In all our penal statutes—and every enlightened man regretted their number—he was convinced it was impossible to adduce one where the first principles of justice were so violated, and where that great dictate of morals and law was so sacrificed; namely, that innocence was to be presumed until guilt was proved. Mark the preamble of the act of 12th Geo. 1st, which made the crime a capital felony. One would have supposed that some crying evil, called for such an enactment. No such thing. An act, that thus created a capital felony, satisfied itself with merely declaring, that it was necessary to prevent these clandestine marriages in consequence of the inconvenience which they produced to private families. Nay, more. The magistrates were empowered, if they but suspected that such a clandestine marriage was celebrated, to summon the parties before them, examine them on oath, and in the event of their refusal to give evidence against the clergyman, or to be bound in special recognizances, to commit them for three years to gaol, without bail or mainprize. The last act, that of 1793, voided the marriage thus celebrated, and imposed a fine on the clergyman of 500*l.* A difference of legal opinion existed in Ireland, whether by this act the former Marriage acts were repealed or not. If they were not repealed, there arose the anomaly, that the clergyman might be hanged by one act, and afterwards fined 500*l.* by another. It became the bounden duty of that House to prevent such odious and repugnant occurrences, as that to which his present motion referred. With that view, he had felt it his duty to bring forward the subject and to move for the production of a copy of the committal of the imprisoned parties. He was most glad to be the humble instrument of providing against the repetition of such enormities, and of taking care that the sacred institution of marriage, in which were involved the dearest blessings of humanity, was no longer perverted into a source of national disquietude and party exasperation. The learned gentleman concluded with moving for the "copy of the committal in November, 1824. of W. Quigley, J. Kyle, F. O. Kane; Anne and Martha Loudin, to the gaol of Londonderry."

Sir *G. Hill* did not rise to oppose the motion, nor yet to discuss the policy of those statutes, which made it highly penal for a Popish priest, to celebrate marriage between Protestants and Roman Catholics. They might be too severe; they might afford doubts respecting the extent

of their legal operation; it would be for future discussion how far they ought to be altered or amended. Their object was to prevent the growth of Popery, and the learned doctor must be aware that the English as well as the Irish Statute Book was fully provided with enactments to that intent. He rose for the purpose of vindicating the characters, and justifying the proceedings of six magistrates of the county of Derry; and although they were treated by the learned doctor with delicacy, yet the very nature of his motion, that a copy of commitment signed by them against individuals, the proceedings against whom he reprobated, should be produced, unnecessarily called down some reproach upon them. He would satisfy the House that those persons were free from the slightest blame; that they had acted correctly as magistrates. They were men of independent fortune, of independent minds, of education, intelligent, active in performance of all their duties as magistrates and resident country gentlemen. Yet all these qualifications did not protect them from being arraigned, tried, found guilty, and punished, before the Catholic Association. That omnipotent body took cognisance of their proceedings; and he would shew that it was one of the hundred instances where, in that nest of evils insufferable, interference with the constituted authorities had been exercised. They were arraigned each by name, by the leading director there. They were charged with unworthy motives towards the Roman Catholic population, menaced with their hostility, reprobated in the severest terms, and, finally, a decree was passed to apply sufficient means from that all-powerful engine, the Popish Exchequer, to bring actions against them. He would now state the circumstances which led to the displeasure of this disgusting assembly. A Mr. Neil O'Flaherty, a Roman Catholic clergyman, had, in the course of last summer, excited much uneasiness in Newtown-Limavady, in the county of Derry, amongst the Presbyterian congregation, by celebrating marriages between females of that persuasion and Roman Catholic men. The families and parents of the women applied to the presbytery of Derry for protection. Instead of immediately prosecuting Mr. O'Flaherty, the Presbytery adopted the milder method in the first instance, of remonstrance. He acquiesced at once to all appearance, and wrote an address to the Presbytery, in which he acknowledged his error, which arose from his supposition that the law meant only to apply to the people of the established church when it named Protestants; that he sincerely regretted what he had done; and concluded with giving an assurance that he would not ever again transgress in like manner. But Mr. O'Flaherty had a curate, whose name was O'Hagan, and in autumn last he went to work in a similar manner. This excited much agitation amongst the Presbyterians; and on the 4th or 5th of Nov. last the magistrates before-named were assembled in the town of Newtown at petty sessions for general purposes, when the parents and relations of two young women named Loudin, complained against priest O'Hagan for having celebrated a marriage between Anne Loudin, a Protestant, and John Kyle, a papist; and Martha Loudin a Protestant, and William Quigley, a papist. All the parties were summoned, and all appeared except the priest. They refused to be examined, and were committed to the county gaol for three years, or until they should submit to be examined. They did not remain in gaol, as the learned doctor had stated, for some weeks. After being confined for two or three days, they expressed a desire to be brought before a magistrate for the purpose of obeying the law; and he (sir G. Hill), with the mayor of Derry, waited upon them in the gaol on Sunday the 8th Nov., took their informations and recognisances, which they most cheerfully gave, and they were liberated. The magistrates had no discretion in this commitment. The complaining parties were before them, calling for the exercise of the law, which directs, that those suspected of being present at the celebration of the marriage shall, on refusing to be examined, be committed, as was done in this case. Although the learned doctor had for the most part quoted the statute with much correctness, he was mistaken if he supposed an idea was ever entertained, that the priest was liable to the penalty of the 12th of George 1st., by which his offence was made felony without benefit of clergy. The warrant for his apprehension was for having incurred the penalty of 500*l.* under the 33rd George 3rd. which was bailable. He would not argue that the law ought not to be amended; but, to what extent or with what policy, he would not now offer any opinion. He had risen merely for the purpose

of vindicating his valuable friends from the unworthy imputation of mixing any other feeling than conscientious discharge of duty in their proceedings as magistrates, and to deprecate the mischievous interference of the Catholic Association with the constituted authorities of the land.

Mr. *John Smith* begged leave to ask the right hon. baronet what he meant, when he charged the Catholic Association with an attempt to excite rebellion and hatred against the magistrates who acted in this affair? What language had they made use of, or what were those particular acts, which shewed any wish to excite the Catholic population to vengeance? He had read their speeches, and observed their conduct, and his memory did not supply him with any thing that could be construed into a threat of personal vengeance. It was true that they shewed a disposition to apply part of the funds they had collected to prosecute individuals where circumstances seemed to warrant it, against injustice. Such an object appeared to him not only right, but most excellent. He saw no better way in which their money could be disposed of, than in affording the means of protection against injustice and personal oppression.

Mr. *Dawson* said, that if the hon. gentleman had paid sufficient attention to this particular case, to the events that were passing last summer in Ireland, and the effects produced by the speeches and conduct of the Association, he would not have found it necessary to put such a question to his right hon. friend. He would tell the hon. gentleman that the Association did excite the people to feelings of hatred and hostility against their Protestant fellow-subjects, and those worthy magistrates in particular. In their debates the names of these gentlemen were held up to reproach, by one of the most furious of their demagogues. The reports of his speeches were published and sent down to that part of the country in which these gentlemen resided. They were read by the Roman Catholics; and the consequence was, that they who before were held in the highest estimation and respect, and were on the best footing with their Roman Catholic neighbours, could not stir from their houses without being assailed with expressions of hatred, and menaces of violence from the Catholic population. Previous to this time they were so much respected among all classes, that they had no reason to apprehend any thing of the kind; but, the moment the furious language of reproach and hatred uttered by Mr. O'Connell, Mr. Shiel, and other demagogues, became known, from that moment these worthy magistrates were placed in a state of terror and alarm. This he thought was a pretty fair answer, and it was a true answer, to the question of the hon. gentleman. In every part of the country, the speeches and proceedings of this infamous, unconstitutional, and most mischievous body, had gone forth to sow discontent. In the north, the Catholic mind was thus alienated from their Protestant fellow-subjects, and they were taught to look upon them as their worst enemies. Many of the gentlemen of that part of the country were, it was true, from principle, opposed to any further extension of privileges to Roman Catholics; but, in all other respects, they were their friends. The Association was the cause of this. They were chargeable with the whole of the evils; with having scattered distrust through all the relations of life. He thanked the learned doctor for the manner in which he had brought forward this question. He had confined himself to the statement of the law upon the subject, and to the view he took of it. The Catholic Association did not act in this manner; but endeavoured to turn it into a source of bitterness and hatred. He concurred in opinion with the learned doctor, that the law required alteration. So far as he was informed, it was the opinion of every lawyer in Ireland, that the 33rd Geo. 3rd. repealed the penal part of the previous statute, which made it felony without benefit of clergy for a Catholic priest to marry two Protestants or a Catholic and a Protestant. By 33 Geo. 3rd. the penalty of 500*l.* was substituted in place of the punishment provided by the other statute. This was now the generally received opinion. If, however, any doubt remained on the subject, the law ought to be altered. At all events, whatever the state of the law might be, the conduct of the magistrates was completely free from blame. His right hon. friend had detailed the facts of the case very correctly. He had omitted, however, a few circumstances. He had stated, that the name of the priest who celebrated the marriage was O'Flaherty, and that the Presbyterian clergyman, when the fact became known to him, threatened a prosecution. The priest wrote a letter ac-

knowledging his error, and promising that he would in future abstain from offending in the same way. Now, Mr. O'Hagan was aware of the promise that had been thus made, and yet he married these two young women, having previously bound them and the other parties by an oath of secrecy not to appear as witnesses. In consequence of refusing to give evidence they were sent to prison. When relieved from the apprehensions of incurring the censure of the priest if they should give evidence against him, they were very ready to appear. Mr. O'Hagan, however, had thought proper to fly the country.

Mr. *North* said, that happening to know the state of the case, he would take upon himself to declare that few offences were of more serious consequence than the transactions in question. For as, by the law, all such marriages were invalid, the children by them were of course illegitimate, and in nine cases out of ten the women were abandoned, and left to destitution. The joke of the learned doctor, that a man might be hanged first, and fined 500*l*. afterwards, was a very stale one in Ireland; although, perhaps, it might still amuse Doctors' Commons in this country. As to the fact, no lawyer doubted that the 33rd of the late king repealed the former act, by which the offence in question was constituted a felony. He by no means, however, meant to give an opinion on the merits of the acts under consideration; nor, on the other hand, was he desirous that his silence should be construed into hostility against them. It was a serious question whether such marriages should be invalidated or not. Still less was he disposed, on the present occasion, to say any thing of the Catholic Association, except that the steps which they took in the instance alluded to, were of a piece with the whole of their conduct.

Mr. *Grattan* was so far from considering that the conduct of the Catholic Association had been injurious in Ireland, that he was persuaded the country was never quieter than at present. He was acquainted with facts which proved, that if any disturbance had occurred, it was attributable to that party to which the hon. under-secretary was attached. He put it to the hon. gentleman, whether it was quite fair to attack, as he had done, individuals who were not present to defend themselves. Those individuals were men of high character. With respect to the subject before the House, he felt grateful to his learned friend for having brought it forward, as it was one of considerable importance.

Dr. *Lushington* said, that notwithstanding what had fallen from a learned gentleman opposite, considerable doubts existed whether or not the penal statutes that had been alluded to were absolutely repealed. No one could deny, that to compel the parties to give evidence against those whom they had induced to commit the offence, was a gross violation of the laws of God and man. The right hon. baronet opposite had pronounced a splendid panegyric on the magistrates in question. He (Dr. L.) had never attacked them. But, so it always was. Let the slightest imputation be thrown out against an individual, and immediately they were overwhelmed with the praises of the whole body to which he belonged. It was singular enough, that in this case, where the magistrates were represented to be popular with the Catholics before this act, they became the reverse afterwards; which was a conclusive proof of the impolicy of the statute that could lead to such a spirit of animosity.

The motion was agreed to.

HOUSE OF LORDS.

Thursday, February 10.

COMMITTEE ON THE STATE OF IRELAND.] The Earl of *Liverpool* rose, in pursuance of the notice he had given, to move the appointment of a committee to inquire into the State of Ireland in a more extended manner than the inquiry which took place last session. In doing this, he did not think it would be necessary for him to trouble their lordships with many words; but he should beg leave first to state the general object of the motion, and the course of proceeding which he thought ought to be followed. Their lordships were aware, that last session a committee was appointed by their lordships, to inquire into the state of certain disturbed districts in Ireland, which were subject to the Insurrection act. The principal ground for appointing that committee was, to enable the House to judge of the necessity of continuing that act, and the inquiry was very properly confined to the counties which were then subject to the operation of the act; and likely to remain so. But, though the inquiry was, in point of form, limited as to

locality, it was extended to many other subjects than the state of the disturbed districts; and, indeed, became almost general. The noble lords who composed that committee would do his majesty's government the justice to say, that no disposition was shown on their part to narrow the inquiry, and that a more convenient course of investigation could not have been pursued. In consequence of a question put the other night by the noble marquis opposite; namely, whether the powers of the committee proposed to be appointed would be such as to enable them to extend their investigation to the whole of Ireland; he had then answered, that he had no objection so to extend it; but that he meant to introduce some words into his motion which he thought it would be right for him now to state. Those words would, however, be introduced more with the view of directing the committee to the object of investigation, than from any wish to limit the inquiry. He would, therefore, move for a committee to inquire into the state of Ireland, and more particularly with regard to the circumstances which led to the disturbances in those parts of the kingdom which were the subject of inquiry last session. Under these terms, no fair subject of examination would be excluded. But, in thus appointing a committee to inquire into the actual state of Ireland, he certainly did not mean to refer to it that particular subject which was commonly called the Catholic question. That was a subject of too paramount importance to be consigned to an inquiry of this kind. It was competent for any member of their lordships' House to propose the discussion of that question; but he could not consent to its being specifically referred to a select committee, or to any committee which did not include every member of their lordships' House. It was, therefore, not with the view of having the Catholic question considered that he made the present motion. But, while he said this, it was not his intention to limit the inquiry, as to those facts which might relate to, or have a bearing on, the Catholic question. If there were facts connected with that question which, in the judgment of any noble lord, might throw light on the inquiry, he would not object to their being investigated. With regard to the composition of the committee, he should name for its members the same noble lords who composed the committee of last year, with the exception of some who were either absent or wished to be excused from attending. A noble friend of his who sat on the committee of last year, was absent on the continent, and he should therefore move to appoint lord Fitzgibbon in the room of the earl of Aberdeen; and as earl Fitzwilliam, on account of his age, did not wish to continue on the committee, he would propose in his stead, the duke of Devonshire.

The Earl of *Darnley* reminded their lordships, that twelve months had not elapsed since he had, in vain, pleaded for that general inquiry into the state of Ireland which the noble earl now proposed. Upon that occasion the importance of the subject procured a very numerous attendance of their lordships, and his motion was negatived by a great majority; sixteen only having thought fit to support it. In stating this, he did not mean to claim the present motion as "his thunder." On the contrary, he assured their lordships, that he was perfectly well content to leave the thunder in the hands of the Jupiter who had undertaken to wield it. If, however, the noble earl meant to inquire into the state of Ireland without making the Catholic question his main object, and obtaining information respecting that question from those most capable of furnishing it, his inquiry would be useless. Their lordships would recollect, that when he brought forward last session the motion to which he had alluded, the Catholic question was the principal ground on which he founded it. Indeed, to overlook the Catholic question in an inquiry into the state of Ireland, was to imitate the strolling company who advertised the performance of the tragedy of Hamlet, with the part of Hamlet, for that night, omitted. The more their lordships examined the subject, the more would they be convinced that Ireland never could be satisfied, until the just claims of the Catholics were satisfied. It would be well for ministers now to look the question fairly in the face. He was not surprised that they wished to check the Catholic Association. That was only the consequence of their own neglect. If that body had become, as was said, dangerous to the state, the fault was theirs, who, in defiance of common sense and common justice, had uniformly refused to listen to the just claims of the Catholics.

The Marquis of *Lansdown* did not rise to oppose the motion, which in so far as

it proposed an inquiry into the state of Ireland, free from the limitation under which the inquiry of last session was undertaken, met his approbation. He wished to learn from the noble earl whether the report of the commissioners appointed to inquire into the state of education in Ireland was likely to be soon presented to the House. That was an inquiry of great importance; second only to that which the noble earl was about to institute.

The Earl of *Liverpool* understood the report was in a state of considerable forwardness. He was anxious that the report should be presented as soon as possible; but from the great importance of the subject, he did not think it consistent with his duty to press for its completion with a haste which would not allow time for its proper digestion.

Lord *Holland* believed there would be an unanimous vote in favour of the motion, but, considering that the noble earl had always shown himself so fastidiously critical on the subject of parliamentary inquiry, he could not help thinking it strange that the noble earl should consent to the present investigation, without assigning any reason for so extraordinary a change of opinion. Instead of laying any new ground for his motion, the noble earl had merely stated his disposition not to limit the inquiry. Now, their lordships would recollect, that many persons whose rank, wealth, talents, and intimate connexion with Ireland entitled their opinion to respect, had repeatedly urged the noble earl to agree to a general inquiry into the state of Ireland, but without success. A motion for that object, made by his noble friend last session, had been rejected; and the only inquiry to which the noble earl would consent, was one which was limited to the disturbed districts. The disturbances in those districts was then ground for inquiry; but now that their lordships had come to the present session, what did they learn?—that there was no disturbance at all: so that the only ground which the noble earl had for his former inquiry, was cut from him. But, upon looking further at the subject, we find there is one thing in the state of Ireland—the situation of the Catholics—one evil for which a remedy is required. Oh, ho! we have got it now. Here is something to inquire about! "No," says the noble earl, "that is not to be inquired into. In appointing the committee, no reference must be made to that subject. Those laws which exclude from the constitution the great majority of the people of Ireland must not be looked into by the committee." The noble earl in his caution on this question, resembled Marc Antony, who gave licence to men's tongues on all his other faults, but not a word of Cleopatra. The noble earl was willing that the committee should take the state of Ireland fully into their consideration; but as for the Catholic question, on that they must not touch. He had admitted the existence of disease, but not a word must be said about the remedy. It could not but be confessed, however, that the inquiry, though late, was still acceptable. He rejoiced most sincerely at the appointment of the committee, because he was sure its labours must prove useful. It was true, the thing was unexpected. It was not easy to tell whence it came, and still more difficult to say whither it would go. The noble earl certainly could not say that it grew out of the committee last year, for it was a proposition of a different nature, and the ground on which that committee was appointed did not now exist. After all, it was, perhaps, intended, that the proceeding should be a kind of historical inquiry—an investigation into the causes of the late disturbances; for there were now no disturbances to inquire about. He acquiesced, however, most cordially, in the motion; for he believed it impossible to go into a general inquiry on the state of Ireland without seeing the necessity of including the Catholic question. Notwithstanding the noble earl's attempt at the exclusion of that question, he was glad the measure was proposed. The measure in itself was good, though the point of time was bad. It had come at last, it was true; but coming so late, the advantage to be expected from it was not so great as it might have been. It was the maxim of a great man of antiquity, that the whole art of war consisted in being in time; and in the same manner he would say, that the whole art of politics consisted in being in time. If the noble lord had consented to this inquiry in due time, much evil might have been prevented. The noble lord's conduct reminded him of what had been said of a man much given to procrastination —that he lost half an hour in the morning, and was running after it during the whole of the day. The noble earl, in the morning of his administration, had, with respect to this question, lost his half

hour; and it could not now be recovered. Owing to this delay, to which the noble earl had prevailed on their lordships to consent, parliament had lost the proper opportunity for conciliation. A small concession might have been sufficient at first; but, as the season for conciliation had been allowed to pass away, much more must be done than was at first expected or desired.

The Earl of *Harrowby* was persuaded that the noble baron had totally misunderstood his noble friend. The House would recollect that the last committee was not appointed for a general inquiry, but that the proposed renewal of the Insurrection act was the only reason for its institution. The intended measure rendered an inquiry necessary into the nature and extent of the disorders which appeared to call for the continuance of the act. There was far from being any difference of opinion between his majesty's ministers who had seats in that committee, and the other members who composed it, as to the extent of the inquiry. He and his noble friends did not attempt to confine the investigation to the geographical limits specified in the motion. There was no question of importance in the state of Ireland, of which some evidence of its consideration was not to be found in the proceedings of that committee. In the very short report which was presented to the House, the committee stated, that they had not completed some points of their inquiry, and expressed a hope that the House would allow them to renew it. The House, then, in compliance with that recommendation, and the recommendation from higher authority contained in his majesty's Speech, were called on to renew the committee. As to his noble friend's observation on leaving out the Catholic question in his motion, their lordships would recollect that his noble friend had distinctly stated that he had no objection to the inquiry being so extended, that every fact bearing upon that question might be introduced; and he would on his own part state, that he had no objection to the introduction of evidence of opinions, for that would also be fact, as it would prove the existence of certain opinions held by certain persons. He, however, did not think that their lordships would do right to refer the question of Catholic emancipation to any committee.

Lord *King* thought this a very singular proceeding on the part of his majesty's ministers. They resembled empirics, who mixed up their medicine and administered it to the patient, before they had held any consultation. Nothing could be more ridiculous than this. They were now beating up the dose in the state mortar; but why not have the consultation first. Sometimes steel medicines were thought good for the disease, and sometimes opiates, but they were always administered before consultation. It was thought that there was one medicine—bark for instance—which could not fail to bring about a cure. Every body said, that bark ought to be tried; but the empirics declared that bark the patient should not have.

The motion was then agreed to.

HOUSE OF COMMONS.

Thursday, February 10.

Roman Catholic Association.] Sir *George Hill* presented a petition from the gentry, clergy, magistrates, and freeholders of the county of Londonderry, praying for the suppression of a certain assembly in Dublin, calling itself, "The Catholic Association." He should at present abstain from making any comments on the various evils arising from that most mischievous body, and should confine himself chiefly to stating the origin of this petition. Great alarm was naturally felt in the county of Londonderry at the assumption of the Catholic Association to rule and govern the population of Ireland, taking them under their special protection, and alienating their affections from the constituted authorities of the country. Still, however, the inhabitants of Londonderry had come to a determination to confide in parliament, and not interfere, until an attempt should be made to collect the Catholic rent; and a circumstance occurred which rendered further abstinence impossible. It was this: a person in the neighbourhood had prevailed upon the inhabitants to subscribe a sum of money for erecting a Catholic school-house: but instead of appropriating it to its proper purpose, he sent it to the Association. In consequence of which, the inhabitants of Londonderry thought it high time to express their sentiments. Accordingly, a requisition was signed by 340 most respectable freeholders. A meeting was held, at which the petition was voted, and in a short time it

received no less than 1,700 most respectable signatures, together with the names of twenty-nine clergymen, and thirty-nine magistrates.

Mr. *Abercromby* said, that, as the right hon. baronet was in the act of extolling the moderation of the good inhabitants of Londonderry, perhaps he would favour the House with an accurate report of the speeches delivered by some of those gentlemen previous to the voting that petition [hear].

Mr. *Dawson* said, that nothing could exceed the moderation and forbearance evinced by the Protestants of Londonderry. No single individual, holding the sentiments he did with respect to Catholic emancipation, had done a single act to cause a difference with their Catholic fellow-countrymen. As the Catholics themselves had thrown down the gauntlet, they must abide by the consequences. The Protestants remained tranquil, until the Catholic Association set on foot the collection of that abominable "rent" in Londonderry, and then they felt it their duty to come forward, to deny the bold and impudent assertion of the Catholic Association, that the Protestants of Ireland were favourable to their claims. The Protestant feeling was not in their favour. In Londonderry, for instance, the Protestants were, in point of numbers, two to one; and as to property, intelligence, and industry, they were a thousand to one; and, when the Catholics thought proper to make this boast, he felt it his duty boldly to proclaim, that the Protestant feeling of Ireland was decidedly opposed to any further concessions to the Catholics.

Sir *H. Parnell* said, he hoped the House would pause before they placed implicit confidence in the statements of the hon. member. The petition just presented was the only petition offered to the House on this subject from Ireland, and he was not aware that any other was in contemplation. The hon. member had thought proper to assert, that the Protestant feeling of Ireland was opposed to Catholic emancipation. It was painful to hear such assertions: but when they were made, he was under the necessity of rising to make an assertion of a completely opposite nature. Two thirds of the representatives of Ireland had voted for emancipation. Now, if they did not represent the feeling of the country, it cast a great stigma on the state of the representation in Ireland. And, with respect to property, he would remind the hon. member of the petition presented by the Protestants of Ireland, a few years ago, in favour of emancipation.

Mr. *Maxwell* said, in opposition to the statement of the hon. baronet, that he had presented a similar petition in the course of the evening, from his constituents, containing, 4,700 signatures.

Mr. *Abercromby* said, he had one remark to make, to which he should not add a single comment. A requisition had been presented to the sheriff of Waterford, containing, amongst others, the signatures of many respectable magistrates, calling upon him to convene a meeting for the purpose of petitioning in favour of Catholic emancipation. The sheriff refused to call the meeting, and it was for that gentleman to state his reasons for so doing.

Mr. *Denis Browne* said, the only permanent foundation for the prosperity of Ireland, was a total relinquishment of all civil distinctions founded upon religious differences. For a long period he had advised the Roman Catholics in his neighbourhood to place their trust in the wisdom of parliament. For some time they had done so; but at length, when the proposition for placing the Roman Catholics of England on the same footing with the Irish was rejected, they asked him how it was possible they could have a chance, when that measure failed, notwithstanding the support of the prime minister of England? He was unable to give them an answer, and they then joined the Catholic Association.

Ordered to lie on the table.

UNLAWFUL SOCIETIES IN IRELAND BILL.] Mr. *Goulbourn* rose, pursuant to his notice, to move for leave to bring in a bill to amend certain acts relating to Unlawful Societies in Ireland. He had truly felt, at the close of the last session, a most confident hope—a hope in which the House participated—that from the character of the measures which the government pursued, and the parliament recommended—from the mild, and temperate, and impartial manner in which they executed the high trust reposed in them, and the result of which was practically felt in the most beneficial effects throughout Ireland; he had undoubtedly felt, as he before said, confident hopes, that a far different duty would have been imposed upon him than that which he then rose to discharge. He sincerely

regretted that circumstances had since arisen to interrupt the realization of these hopes. He regretted, that when the outrages which some time back disgraced a portion of Ireland, had altogether, or almost altogether, ceased—that when its agriculture was thriving and its trades in activity—that when commercial establishments were about to be put in operation, heretofore unknown in that country—that when there existed generally an enjoyment of ease and comfort, indicating a more progressive increase; he regretted, he would say, sincerely, that another evil should have grown up, which demanded the vigilance of the government, and whose continuance was not only inconsistent with good government, but particularly opposed itself to the prosperity and improvement of Ireland. The House could not be ignorant of the circumstances to which he alluded. At the latter part of the last session, it was the expressed opinion of many of its members, that these circumstances demanded the peculiar vigilance of the Irish government; but with its characteristic forbearance, it was indisposed to any direct interposition, until it found the apprehended evil assume a formidable complexion. He said it with sorrow, that since that period the scene was changed. That assembly, which in its origin was doubtless an object of vigilance, had now assumed a character calculated to excite the highest degree of alarm, because the direct tendency of all its efforts was to deprive the country of the enjoyment of that returning peace and prosperity, which they were beginning to experience, and in place of rational authority, to substitute their wild and violent denunciations. There were two acts to which he should address himself particularly. They were the Irish act of 1793, and that which the House passed the year before last with the view of putting down secret societies. With respect to the first, known as the Convention act, it was historically true, that it was introduced to meet a case where the parties about to be convened were supposed by themselves, or at least assumed to represent the people of Ireland. Indeed, whoever turned his attention strictly to the proceedings of that country must be convinced that all conventions did assume a representative character. But, it would be a very wrong conclusion to draw, that the Convention act of 1793, had limited itself, at least in its spirit, to the mere assumption of such bodies being a representative body. It was true the Irish parliament grappled with that assumption as its distinguishing feature. All such meetings had heretofore assumed the representative character, and the legislature thinking that designation at the time sufficient, believed that it could counteract all the other evils which were likely to follow such an assemblage. The particular assembly, however, to which the amendment he should propose was applicable, set out with the denial that they possessed any representative character; but it proceeded, nevertheless to acts which were equally incompatible with the principles of rational government. Indeed, it made a merit that it was a self-elected association—that it departed altogether from the representative character: but as it felt its way, it threw off all shackles, and exercised powers which it was within the scope and merit of the Convention act to declare illegal. The hon. and learned member (Mr. Brougham), whose opinions possessed, so deservedly, great weight in that House, had, on the discussion on his majesty's Speech, declared, that the Catholic Association virtually represented the Roman Catholic body. Was there not good reason, then, for the Irish government to call for the interposition of the legislature when they found an assembly setting out with a declaration, that they possessed no representative character; yet, as they proceeded in their course, assuming such a tone and complexion, as justified an hon. and learned defender of the Association, in that House, to recognise them as the virtual representatives of a great portion of the people of Ireland? Surely, the very power to effect virtually, what they could not do actually, without a violation of the law, was a justifiable ground for the Irish government to seek an amendment of an act of parliament thus evaded. If he virtually calumniated any man, and the effect was injurious, was he to be considered less reprehensible than if he had been guilty of a direct libel? He could not suppose that any one in that House would contend, that an assembly ought to be permitted to execute that virtually, which the law positively prohibited.—It would be his duty that night to call upon the House, for the adoption of remedies adequate to meet the evil. As he trusted that evil was but temporary, he should have to propose only a temporary corrective. It had been the boast of the

Catholic Association that all their proceedings had been published. It had been their unceasing effort, by every means within the scope of human ingenuity, to have their discussions circulated in the widest manner possible, and obtruded on the notice of the world at large. The Catholic Association began to act in 1823; and in its first report it was declared, that its object was confined to the furtherance of the question of the Roman Catholic claims. It was to him a matter of perfect indifference whether its object was limited to that question, or whether, as was avowed in their debates, it embraced reform in parliament, and eventual separation: with him it was no question; because it was no shield or security that the object was inoffensive, when the means of carrying that object into effect were incompatible with good government. In discussing the object and the proceedings of the Catholic Association, he felt the disagreeable necessity of adverting to transactions, with which the House was already acquainted, he should endeavour to relieve them, as much as possible, by restricting himself to the general tenour and scope of their discussions, and decline individual quotations. The House would bear in mind that this Association, though a public body, differed from most public meetings in this point—that they were all of one mind. There was no competition of opinion: no opposing voice was heard. Every speech was previously arranged, and every decision was unanimous. Indeed, if any unhappy adversary had the hardihood to present himself, he would most probably get a reception which would prevent any repetition. Formed as such a body was, there was a danger in the indefinite qualities of its constituency, and in its indefinite duration. Under different circumstances the fickleness of the multitude might operate as a check to the probable evil results of such an association; but he was compelled, with regret, to say, that a most influential body, whose duty it was to impart religious consolation, and to keep themselves apart from political contention; not only encouraged, but assumed a part of its powers. Next, in upholding that association were to be found men of disappointed ambition and considerable talents, who exerted themselves, no matter whether on real or imaginary grievances, in exciting the public feeling against the government; and in inflaming the population against the laws, and what they described a prodigal and corrupt administration of them. It was of importance also to understand, that a union had taken place between the Association and the surviving members of the committee of 1793—that very committee against whose establishment the Convention act was enacted to provide. These very men were now enlisted with the Association. There were to be found also men who were most familiar with the traitors of old times—Tone, Russell, and Emmett—traitors who were arrayed against the strength of the government, and who were only put down by military force. It was, indeed, too true that in that Association were to be found also a great proportion of the Roman Catholic gentry and aristocracy. It was impossible, on looking at the situation of Ireland, not to feel that such a connection was not altogether voluntary on their part. A great number of that class were, he believed, as much alarmed at the proceedings of that Association as its most determined opponents in that House. They had been, however, led, either from a want of firmness of character, or a reluctance to lose the confidence of the people, to swell the triumph of that body. Though the Association avowed they were arrayed to obtain that which parliament had refused, they still condescended most strictly to imitate its forms. They appointed their committees of grievances—of education also and of finance. They had almost copied verbatim the sessional orders of that House. In one point, indeed, they abstained from imitation—they had not appointed a Speaker; probably because in an assembly in which there existed such an universal ardour for speech-making, no candidate could be found who would pledge himself to be perpetually silent [a laugh]. It had been also the practice of that Association, from time to time, to convene aggregate meetings, as they were called, of the Roman Catholic body of Ireland, and these meetings were convoked in such a manner as to appear contra-distinguished to the Catholic Association. But of whom were those aggregate meetings composed? Principally of the very persons who belonged to the Catholic Association itself, and who played off this juggle upon the people, making them believe that the proceedings of the aggregate meetings conveyed a distinct approbation of the conduct of the Catholic Association, the

fact being, that those proceedings were merely self-gratulatory and complimentary to the very individuals in whom they originated.

There were several important topics connected with this subject, to which he now felt it his duty to call the serious attention of the House. The first was that which, although by some it was supposed to be a voluntary contribution, was by many considered in the light of an onerous and grievous tax—he meant the Catholic Rent. The fact was, that, under this name, large sums of money were collected from the people of Ireland, no one could pretend to doubt. Now, he thought that no man who understood the constitution of the country, could contemplate the levying of money upon his majesty's subjects by an irresponsible body, to be applied to objects not previously defined, but at the discretion of the self-constituted authority by which such money was called for, with any other feeling than that of unequivocal disapprobation? But, if the House went further, and looked into the details of this system, and the means resorted to by the inferior persons employed in its enforcement, they would find evil consequences and dangers far exceeding those which were to be apprehended from the appropriation of such funds being left in the hands of an irresponsible body. The order upon this subject emanated from the Association. The particular amount to be raised was not stated; that was left to depend on the liberality of the contributors, and on the exertions of those by whom the subscription was to be collected. The mandate of the Catholic Association was, however, issued to the priest of every parish in Ireland, calling upon him, in distinct terms, to use every means in his power to produce a large contribution. Besides furnishing him with the necessary instructions for this purpose, he was supplied with books to enrol the various contributions; and his ready acquiescence was secured, not only by the political ascendancy which the Association would naturally have over him, but by the subordination which, as a minister, he owed to his bishop. On the receipt of this mandate, the priest announced its contents from the altar of his chapel, as well as the names of the individuals on whom he fixed for payment; which individuals were, according to the duty imposed upon him, to have no option on the subject. Cases however were not rare in which, the mandate of the Association having been issued, and some hesitation in its execution having been manifested on the part of the priest, he received a censure from the Association in terms too distinct to be misunderstood; and in some cases in which the priest had forborne to execute the orders sent to him, he had been held up to the congregation of his chapel as undeserving their confidence and attachment. The instructions to the priest went still further. He was told to enter into the books which were sent him the names of the individuals who contributed to the fund. Thus, the allies of the Association, those on whom they could call in any case of emergency, were recorded. But, that was not all. What would the House think when they were informed that there was another book, in which the refusals to contribute were also recorded. Every man who dared to refuse, whether Roman Catholic or not, whatever might be the wants or necessities which prevented him, was comprehended in this register. But the Association went a step further. In a country in which the gentry were of different persuasions, it was obvious that some of them would consider themselves bound to oppose the collection of the Catholic Rent, conceiving that as the peasantry were in penury, and unable to provide for their families, it was their duty to advise them against this unnecessary expense. What was the consequence of this? That the Catholic Association actually wrote letters to the priests of the parishes, denouncing the individuals who thus acted, holding them up to reprobation and scorn; he would not say to vengeance [hear, hear!]. When the House came to look into the application of the money so raised; so torn from the people [cries of hear, hear!]—he begged to say a few words to the hon. gentleman, who by that cheer, seemed to think that the Catholic Rent was a voluntary subscription. Were they really so ignorant of the absolute power of the Roman Catholic priesthood in Ireland as to doubt, that when their authority was exercised, especially over the lower and more ignorant portion of their flocks, it must prevail? Did they recollect the means which the priests possessed of enforcing their authority? Whether they had availed themselves of all these means in the present case was a

question into which he would not then enter [hear, hear!]. He begged not to be misunderstood on this subject. What he maintained was, that the orders of the Catholic Association, and the operations under those orders, had the effect of producing what was actually an obligatory payment of sums, which many of those who contributed them were very unwilling and little able to pay.

He would next inquire into the application of this money after it had been so collected. On this topic he would confine himself to a few facts, and would detain the House as little as possible by his observations upon them. He had no desire to prevent the Catholic Association from giving briefs to members of their own body. He did not quarrel with them for employing an agent in this country constantly occupied in the furtherance of their purpose. He did not quarrel with them for acts which merely impugned their discretion, and which had no operation on the general tranquillity. Nor would he enter into any consideration of the kind of regard which a society, professedly established for the security of the rights of the people, had shown for the liberty of the press. He did not quarrel with them for having retained as advocates a considerable portion of the press. He did not quarrel with them for having instituted prosecutions against that part of the press which was hostile to their cause. He did not quarrel with them for their union with Cobbett. He did not quarrel with them for expending the money of which they had drained the population of Ireland for such purposes; not because those purposes were unattended with serious evil, but because other acts of theirs were attended with evil so far exceeding in extent, that he should consider it unworthy of himself to detain the House for a moment on the points upon which he had just touched. It was the interference of the Catholic Association with the ordinary administration of justice of which he mainly complained [hear, hear!]. He knew perfectly well, that on that part of the case he should be met by arguments deduced from the recent existence of an Association in this country, instituted for the purpose of prosecuting offences against the well-being of society. He knew that an hon. and learned gentleman opposite was prepared to tell him, that what was legal in England must be legal in Ireland; that what was fit to be permitted in the one country, must be fit to be permitted in the other. But he (Mr. G.) could show the House, that even where what was fit to be permitted in one country was fit to be permitted in the other, the course pursued by the Catholic Association in their interference with the administration of justice in Ireland, was followed by consequences which could not result from any similar proceedings in this country; by consequences fatal to the interests of peace and tranquillity; by consequences which sooner or later would, if that course were allowed to go on, render it impossible for any man in Ireland to obtain justice before any tribunal in that country. For these gentlemen were not content with exerting themselves to influence the administration of justice in its final decisions; they mingled, by themselves, or by their agents, with all the preliminary proceedings of the law. They sent down their agents to the courts of petty sessions, and poisoned the administration of justice at its outset, with all the bitterness of political discord. In this country it would be impossible to introduce party questions into a case of felony. The reverse was the fact in Ireland. There was no felony, no misdemeanor, which interference might not instantly render a party question. Before the courts of petty sessions the agents of the Association employed themselves in making statements, favourable to their objects, and calling on the magistrates, either to espouse the cause of the suffering Catholic against his Protestant adversary, or to shield the Catholic where the Protestant was the accuser. In all these cases, an endeavour was made to load the Protestant with the odium of crimes which he might or might not have committed; but the very endeavour prevented the trial from being fair and uninfluenced. If the system was allowed to continue, a court of petty sessions in Ireland would be rendered merely a theatre for the exhibition of the talents of a Catholic Associator; and the magistrates composing it would be perplexed with subtleties having nothing to do with the real merits of the cases before them. He spoke in the hearing of hon. gentlemen who well knew that such had already been the consequences of the interference of the Catholic Association with the administration of justice; and that several magistrates, most respectable, active, and impartial men, had been induced to retire from those courts in

which individuals deputed by the Catholic Association were present.

But, putting out of view the evils which arose in minor courts in consequence of the interference of the Association, he would proceed to call the attention of the House to what had taken place before higher tribunals. He would not trouble them with many cases; but there were one or two which would afford sufficient proofs of the existence of the evil. It happened about the end of last July that a statement was made in the Catholic Association respecting a supposed murder in the parish of Ballabay. It was declared, that a most unprovoked, brutal and wanton murder had been perpetrated by a Protestant on a Roman Catholic. A letter was published in some of the Irish papers, calling on the Catholic Association to interfere. When the subject came before the Association, that body emulated all the dignity of parliament. Mr. J. D. Mullen moved for the appointment of a committee to investigate the circumstances of the case; with authority to adopt such measures as circumstances might require. On Saturday, the 31st of July, the report of the committee was read, detailing the supposed circumstances, and stating that those circumstances called for the interference of the Association! and Mr. Cavanagh was in consequence appointed by the Association to conduct the prosecution. Here, then, was a man charged with murder going to trial with a declaration from the body representing the whole Catholic population, that they had investigated the facts, and that the result was, their conviction that the murder had been committed, and that the individual so charged ought to be prosecuted by the Association [hear, hear]. But, let the proceeding be pursued further. When the trial came on, a host of evidence swore to the infliction of a great many wounds on the deceased, and to the manifestation of the most horrid cruelty. Witness after witness declared upon oath, that the prisoner jumped on the throat of the deceased, kicked him in the spine, broke his ribs, &c. What was the fact? The surgeons who had examined the body, and who were brought forward by the prosecution, proved to the satisfaction of the court, that there was not a word of truth in all this previous evidence, and that the body had suffered no such violence. It appeared, that the deceased person suffered in consequence of an accidental fall over a short post, which broke one of the small vertebræ of the back; and eventually the prisoner was acquitted. When the verdict of not guilty was pronounced, the judge even considered it his duty to address the prisoner to the following effect:—"I do not think it would be right to discharge you without expressing my entire satisfaction at your conduct. It is in evidence that you endeavoured to preserve the peace from being disturbed, and your efforts entitle you to great approbation." Yet this individual, not only innocent, but as it turned out meritorious, had been denounced a fortnight before by the Association as guilty of the great crime of murder; as having, he being an Orangeman, murdered a Roman Catholic; and a hostile feeling was thereby strongly excited against him.—It had been said by the hon. member for Midhurst, that if he admired any thing in the conduct of the Catholic Association, it was their interference with the administration of justice; for that the administration of justice in Ireland was so bad, that any interference with it must be productive of benefit. He hoped, however, that the hon. gentleman would allow that the interference which had just been described was not of a very advantageous character.

There were many circumstances connected with these transactions on which he would not trespass on the patience of the House by dwelling. Among others, it would be observed, that the greater part of the jurors before whom trials took place, were subscribers to the Catholic rent. He might, perhaps, be excused for thinking that it would be better, instead of calling on such individuals to decide upon prosecutions instituted by those to whom the rent was paid, to leave the administration of justice to its natural course. The only other case with which he would trouble the House, was that of a soldier, who was tried in the county of Kildare, for administering unlawful oaths. In January last, it was announced to the Catholic Association, by one of their agents, that a private in the 25th regiment, had been discovered in the act of seducing several Catholics to take an oath, the obligation of which was, to kill all the Protestants, all the soldiers, and all the Orangemen; his object being, of course, to lay informations against them after having thus inveigled them. The Association declared, that the case was clearly one of

guilt; that the soldier was evidently a ruffian, who deserved the punishment of transportation; but that, unless the Association sent down an agent, the fellow might escape. This declaration was read by the priests in all the chapels. He confessed, that, when he saw this declaration, he did not believe that any man could be wicked enough to invent all the circumstances of the tale. What followed? The Catholic Association employed an agent to prosecute the soldier. The case came on before one of the most numerous benches of magistrates ever known, comprehending no fewer than 43 individuals. The evidence, however, adduced on the part of the prosecution, developed so much inconsistency and contradiction, that the 43 magistrates decided unanimously, that there was no foundation for the charge. It was not enough that this soldier had been so unjustly denounced as a ruffian by the Association—it was not enough that he had been so denounced from the altars of the chapels—it was not enough that counsel had been employed by them to endeavour to bring him to punishment; but search was actually made for his wife, and for other branches of his family, in order to compel them to leave the country [hear, hear]! With such specimens of the conduct of the Association before him, it was not surprising that he should prefer leaving the administration of the law to its natural course, rather than admit of any interference on the part of that or any other body. Suppose the case of this soldier had been the other way—suppose he had been taken up under the Insurrection act—suppose, in that event, a course had been pursued against him by the magistrates similar to the course actually adopted by the Association—suppose that, previously to his trial, he had been proclaimed a ruffian, justly deserving of transportation—suppose the magistrates had used means to expel his wife or his family from the country, what would have been said of their conduct [hear, hear!]? Why were the members of the Catholic Association to be dealt with more mildly? Why were acts which would be pronounced criminal on the one side, to be palliated on the other? Was the House to bow to the authority of the Association, and, however gross and indefensible their acts, to allow them to pass without animadversion? He might pursue the subject much further. Consequent to this transaction respecting the soldier, was a similar one with reference to a member of the police, the object of which, he was bound to say, was to render that body odious. The whole tendency of their proceedings was to excite, in any case in which Catholics and Protestants were concerned, all the acrimony of party feeling. Considering to what extent the payment of the Catholic rent had gone, the means of influence possessed by the Association were very great. So long as they possessed those means, he was persuaded the House would agree with him, that justice could not be purely or satisfactorily administered in Ireland.

He came next to the conduct and exertions of the Catholic Association within the last year; and in the observations which he was about to make, he would confine himself to their position in the month of December last. It appeared from their proceedings, that in that month they began to collect a revenue for the purpose of furthering the object which they had in view—namely, that of influencing the minds of their Roman Catholic countrymen, and impressing them with the necessity of supporting their system. In order still further to advance this, their great object, they put forth a document entitled "Address of the Catholic Association to the people of Ireland" [hear, hear! from both sides of the House]. The House need not feel alarmed, it was not his intention to read at length that celebrated address; some few passages of it, however, he felt it necessary to advert to. In one place it said, "we advise you to refrain totally from all secret societies; from all private combinations; from every species of whiteboyism, or ribbonism, or by whatever other name any secret or private association may be called." The Association proceeded to point out the other inducements to their Catholic brethren to remain quiet—namely, the power of the law, the inconvenience and injury caused by indictments, and so on; at length they came to a point to which he begged the most serious attention of the House, it was one in which they pointed out the number of innocent persons who, during former disturbances, had suffered for the guilty. Thus it appeared that they could not caution the people to remain tranquil, without libelling the laws of the country. This too, was told, not to the well-informed and well-judging part of the population, but, to the ignorant and illiterate—to men most likely to be led

away by any statement made to them from such a quarter. In the name of the government of Ireland, and those high authorities by whom it was administered, he begged to repel this charge. There was nothing which had more seriously engaged the attention of the present lord-lieutenant of Ireland than the fair and impartial administration of justice to all ranks and classes of society. He appealed to those gentlemen who interested themselves in Irish affairs, and who remembered the bill introduced by him last session, whether the most scrupulous attention had not been paid to this point: nay more, he challenged any instance where the severest punishment of the law, or even transportation or imprisonment had been inflicted in any case where there remained a shadow of doubt of the prisoner's guilt. There was no man better acquainted with the truth of this statement than the gentleman who was at the head of the Catholic Association. He was a man not belonging to the low and uninformed class of society; he was a man, who, from his professional habits, must be convinced that such was the fact.

He next came to the motive—the principle of action—most calculated to make an impression, resorted to by the Association. Their address contained in conclusion this memorable passage: "In the name, then, of common sense, which forbids you to seek foolish resources, by the hate you bear the Orangemen, who are your natural enemies; by the confidence you repose in the Catholic Association, who are your natural and zealous friends; by the respect and affection you entertain for your clergy, who alone visit with comfort your beds of sickness and desolation. By all these powerful motives, and still more by the affectionate reverence you bear for the gracious monarch, who deigns to think of your sufferings with a view to your relief; and, above all, and infinitely beyond all, in the name of religion, and of the living God, we conjure you to abstain from all secret and illegal societies, and Whiteboy-disturbances and outrages" [hear, hear!]. And this was the address which it had been boasted was the work of the Sabbath! Gracious God! was such an address to be put forth under the sanction of piety and religion? Who ever before heard it boasted, that it was doing the work of God to couple his holy name in the same sentence with the hatred which men bore to their brethren? He maintained that in the breast of the man who wrote that address, as well as in the breasts of the Association who promulgated it, the love of God, if it did exist, must have a different interpretation from that given to it in the mind of any man of any antecedent period professing the Christian faith [hear, hear!]. And yet, this was the doctrine infused into the great body of the Roman Catholics of Ireland! They were told that they were to look upon the Orangemen (and let it be recollected that in many parts of Ireland the terms Orangemen and Protestants were nearly synonymous).—They were told to look upon every Orangeman as their natural enemy—as a person with whom they were to keep no faith—as one to whom they were to extend no justice, but against whom they were not only allowed, but justified, in exercising every violence, and perpetrating every outrage. What must be the feelings of the Protestant, or, as they were called by some, the Orange population of Ireland, when they found themselves so generally denounced—when they found themselves so formidably opposed by a body professing such principles? Let them look to the discussions which took place in the Catholic Association itself, and they would find a full confirmation of his statement. One individual of that body (Mr. Lanigan), much to his honour, pointed out the inexpediency of putting forth this address, and particularly recommended the omission of the objectionable passage to which he had just called the attention of the House. It was, he said, a passage which would be misunderstood by those to whom it was addressed, and also misunderstood, perhaps misrepresented, by their enemies. What was the result? A debate arose upon the objection, and such was the majority against it, that the address was sent forth without any revision. He had a right to maintain that these were the principles by which the Catholic Association were actuated; nay, more, that they were the principles upon which they were ready to act, the moment they obtained power over their Protestant brethren. He asked, then, could the Irish government look with indifference at such a state of things? Could they avoid perceiving the danger which threatened, if they delayed a moment in calling for the intervention of parliament, for the purpose of at once putting a stop to them.

But, there was another ground of alarm which struck him more forcibly than any he had yet adverted to. It was decided that the proclamation or address of the Catholic Association should be sent into the different parishes in the country, and read by each priest from the altar. This had been very generally done; and, if he wanted an additional argument to prove the extent and power of the Association, he had it in the fact, that they found a ready acquiescence on the parts of a great proportion of the Roman Catholic clergy thus to denounce their Protestant brethren. This circumstance carried the more weight, when they recollected, that it was the act of numbers of ministers of a religion which, however corrupt it might be considered to be, was founded on principles not widely different from our own, and which never could be supposed to inculcate such a precept. Notwithstanding this, however, the declaration was given to the Catholic people, and was left to work its way, and produce its natural effects on the minds of the ignorant and illiterate. Was it, then, to be wondered at, that a Society so formed, and so acting, should create anxiety and alarm? Was it possible that his majesty's government could avoid calling upon parliament to interpose in aid of their want of authority, and prevent the danger likely to arise, not only from political dissention, but also from religious collusion? It was impossible that, under such circumstances, much and serious alarm should not be felt in Ireland. He did not mean to say that that alarm had not been carried, in some instances, to a greater extent than was necessary; but, who could point out the limits to which an alarm, at first justified, was to extend? It was impossible to tell; and particularly when it spread in quarters where former disturbances and dissentions was still fresh in the recollections of the people. He might illustrate this part of his argument by quoting many cases. He should, however, confine himself to a few facts. The Society of United Irishmen, who assembled in 1791, had for their avowed object the attainment of Catholic Emancipation; but it was subsequently ascertained that their real object was revolution, and a separation of Ireland from this country. And yet there was this difference between that body and the Catholic Association, that the former did not levy money from the people. It did not employ counsel to hunt down a poor soldier, and point him out as a fit object for transportation. But, in one alleged object they agreed. The Catholic Association, with means more formidable, and with greater resources than the other, professed to seek only Catholic Emancipation.

Taking this view of the question, was there not cause for alarm? Was not the Irish government bound to call upon parliament to rescue the Irish people from a tyranny at once the most severe and the most odious? Before he stated to the House the nature of the remedy he was about to propose, he begged their attention to the consequences likely to ensue, in the event of parliament refusing to interpose its authority for the protection of those who were menaced by the Catholic Association. If they did refuse to interpose, was it not natural to suppose that the aggrieved parties would, in their own defence, enrol themselves also into an association [hear, hear! from the Opposition]? He repeated it—would they not feel bound to co-operate for their own protection? And this being once the case, could that House be insensible to the numerous evils which must of necessity ensue? Were they to have these two bodies continually sitting in the sister country, disturbing its peace, and impeding the execution of every act of its government? If so, they would have in every prosecution the Catholic Association sending down counsel and marshalling evidence on the one hand, and its opponent association sending counsel and marshalling evidence on the other. Surely the House could not wish that the animosities existing between Catholic and Protestant should thus be kept alive, but rather that they should be at once and for ever buried in oblivion. Who could live in a country so agitated, so disturbed? Who could bear to witness such a continuance of tumult and disorder as must necessarily take place, unless the cause of both was speedily and effectively put down? If hon. members conceded to him the existence of the evil, then they must agree with him as to the necessity of some remedy, and their only difference could be in its details.

He had yet one or two other observations to make with reference to other societies, before he came to the measure which he meant to propose. The House would recollect, that two years ago he had introduced a bill to prevent secret

societies in Ireland. He had done so, because he felt that such a bill was necessary to the peace of that country. He was happy to state, that in some parts of Ireland, that bill had attained its object. In many parts, the societies so suppressed had not re-modelled themselves so as to elude the bill, but had altogether abstained from meeting from the moment they were declared illegal. He was bound at the same time to add, in justice to those societies who did re-model themselves, that they had substituted for their illegal oaths, the oaths of allegiance and supremacy, and that a written certificate of such oaths having been sworn before a magistrate, was necessary to the admission of any member. He confessed, that the feeling which actuated him in bringing in that bill, induced him to go further, and to put a stop to those other societies by which the peace and tranquillity of Ireland were interrupted. The most objectionable parts of the Catholic Association were its permanent sittings, and its levying money from the people. The objects of his bill, then, would be, to prevent the permanence of those sittings, the appointment of committees beyond a certain time, and also to put a stop to any levy of money for the purpose of redressing private or public grievances. It would also render illegal all societies which were affiliated; which corresponded with other societies; which excluded persons on the ground of any particular religious faith; or in which any oaths were taken other than those directed by law. There would of course be exceptions in favour of certain societies, such as meetings on the subject of trade, agriculture, charity, and others of a similar description. The parties charged with belonging to any prohibited societies would be proceeded against by indictment alone; so that, in the event of any vexatious prosecution, the attorney-general should have an opportunity of interfering. This was an outline of the remedy which he meant to propose; and he confessed he saw no other mode of putting an end to a society to which every lover of peace and order must be opposed—a society which arrogated to itself the prerogatives and privileges of the Crown, solely for the purpose of supporting the interests of a faction. There had been times when the House did so interfere for the protection of the peace of the country; and he felt sure, that even now the name and authority of parliament were respected in Ireland. He called upon them, then, to exercise that authority upon this occasion. By doing so, they would put an end to those dissentions by which Ireland was internally torn and divided; remove the difficulties by which her government was impeded; and restore to her that peace, prosperity, and happiness, to which she was entitled, and which it was the most sincere and anxious wish of his majesty's government she should enjoy. He begged, in conclusion, to move, "That leave be given to bring in a Bill to amend certain Acts, relating to Unlawful Societies in Ireland."

Mr. *John Smith* said, that as an individual intimately connected with the Irish society of London, he felt it incumbent on him to deliver his sentiments on this momentous question. He could assure the House that, in all he meant to say, he followed no other dictate than that of a sincere sense of public duty. A great part of the right hon. gentleman's speech related to the conduct—the atrocious conduct, as he had termed it—of the Catholic Association. The right hon. gentleman had given the House many details and statements on that subject. If he were to decide on mere statement and detail, then certainly he should be as much satisfied with the statements and details of the right hon. gentleman as he could be with those of any individual he was acquainted with. This would be very justifiable in a private case. But when a great public measure was connected with those statements, then he could not rest satisfied with any details which came from the right hon. gentleman, unless they were borne out and corroborated. He would, on this occasion, take the same course which had been adopted on others; he would call for some evidence to prove that the step intended to be pursued was just and proper. He regretted the scenes which took place in 1791; at the same time, he did not wish to enter into that subject. But, as the right hon. gentleman had touched upon it, he would call on him to look at the transactions of 1795. These were matters of historical recollection, and might be spoken of with propriety. Did the right hon. gentleman remember the frightful cry of "To Hell or Connaught!" fulminated against the Roman Catholics? Did he recollect the conflagration of their houses, and the burning of their property? The Orange party

had possessed this power of domination for a long time; and all men agreed, that in some instances the magistrates had abused the authority intrusted to them. It had fallen to his lot to present the petition of a poor man whose cottage had been forcibly entered, whose property had been destroyed, and whose arm had been broken by a party of Orangemen. The unfortunate man pursued the offenders and proceeded at law against them, and though they were charged with a capital offence, they were admitted to bail; they were, subsequently, brought to trial, and acquitted; the jury, he presumed, being Orangemen. But this was not all; in a short time afterwards, the very persons so acquitted were sent by the Seneschal of Enniskillen, to seize the only cow which this poor man possessed [hear!]. This was enough to shew, that, in the north of Ireland, justice was not impartially administered. It had been said, in 1822, by the late lord chancellor of Ireland, lord Redesdale, that in that country there was one law for the rich, and another law for the poor, and that both were equally ill administered. After that opinion, he might be pardoned for entertaining notions somewhat similar, and for preferring the authority of the noble lord to that of the right hon. gentleman. With respect to the Address he had read, he could assure the right hon. gentleman, from the bottom of his heart, that he strongly condemned that publication. He felt the full force of what the right hon. gentleman had said as to the connexion formed in it between the Almighty and hatred to the Protestants. One thing was quite certain, that there existed among the Irish Catholics a profound sense of injustice; and this sense must be supposed to be the result of long series of insults and injuries. Most of these insults and injuries had proceeded, on the part of the present and late government of Ireland, from a deficiency, as it struck him, of that common article—common sense. Some of their measures were absolutely contradictory. Two years ago the House had interfered for the purpose of putting down Orange societies, associations of individuals under a secret oath. It was quite clear that no community could exist in security, so long as one portion of it was allowed to take oaths, the import and object of which were unknown. No doubt, therefore, the interference of the House on the subject was highly proper; and he had most heartily concurred in all it had done. Honourable gentlemen would, however, be surprised to hear what he was enabled to state, on undoubted authority. The copy of a genuine letter, written under the direction of the earl of Liverpool, in the year 1809, had been put into his hands, the subject of which was the Orange associations. It happened, that in that year, a private soldier died in a distant part of England, and among his papers were found forms of certain oaths; he having been a member of an Orange club in his own regiment. They were sent to the War-office, and the letter to which he had alluded, signed Cecil Jenkinson, had been framed to express the earl of Liverpool's strong disapprobation of such societies: he stated, that they were punishable under two acts of parliament; under one by two years' imprisonment, and under the other, in case of indictment, by seven years transportation. His lordship, therefore, desired that this fact might be made known to the different regiments. Was it not, however, very reasonable, that at that moment when Orange societies in England did not excite much attention, such pains should have been taken to put them down here, while they were allowed to continue in Ireland, composed as they were of some of the first persons in that country? An individual holding one of the highest situations under the government had belonged to them. The inference was, that that which in England was punishable by seven years' transportation, was no crime in Ireland; and nothing could be more flagrant than to keep up so odious a distinction. In point of fact, the Orange Associations in Ireland were most numerous; and so they continued until about two years ago, when they became troublesome to the government, and it was obliged, in consequence, to lay its hands upon them. Two years ago, therefore, they were in a great degree suppressed; but why had not this measure been resorted to long before? If Orange societies had been put down earlier and entirely, he verily believed that the House would never have heard of the Catholic Association. The eldest law of nature, self-defence, had been its true origin [hear!].—He would not enter into any remarks on the plan of the right hon. gentleman. Other opportunities of discussing its details would occur; but he must say, that he regarded the proposal of this measure as one of the

most unfortunate events that had happened for a long time. The right hon. gentleman had said, that he expected from it peace and tranquillity, and that the Irish nation would hereafter participate in all the benefits of the present flourishing state of the rest of the empire. On several former occasions, he had taught the House to believe that such would be the effects of the Insurrection act—had it done so? Had it not, on the contrary, doubled the sense of injury on the part of the Catholics, and sent into banishment many who, he believed, were innocent of all crime. It was an extraordinary fact, to which he could speak from an accidental knowledge of several individuals holding distinguished situations in New South Wales, that, of all the convicts sent thither, the Irish were the most orderly, decent, and respectable. Their conduct there formed a striking contrast to the lawless and violent intentions they were charged with entertaining at home [hear!]. The right hon. gentleman might indulge hopes, and that they might be realised was the wish of every lover of his country; but if they were realised, it would be in opposition to the experience afforded by the whole system of government in Ireland for many years. Hitherto, none of their flattering anticipations had been realised; and he was well satisfied that there was but one mode of producing peace, tranquillity, and prosperity in Ireland—concession to the Catholics of those rights of which their Protestant brethren were in the daily enjoyment [hear, hear!]. In the Hanoverian dominions of his majesty, the most extended toleration existed. In Canada also, where half the population were Catholics, the utmost harmony prevailed. The same remark would apply to Maryland, under the government of the United States. It was originally a Catholic settlement, and a great proportion of the inhabitants were still of that persuasion; they lived in perfect amity with the Protestants, married and intermarried (which it seemed was not allowed in Ireland), and engaged in mutual speculations both of commerce and agriculture. He would defy the right hon. Secretary for the home department, with all his ability and learning—he would defy the whole university he represented—to produce a single instance, in ancient or modern history, where the most extensive toleration had produced the slightest peril to the state. The true method of managing religious sects, and preserving order and good-will in a kingdom, was to render equal justice to all: this system extracted the venom from the sting even of those reptiles in a state who were most disposed to wound. Before he sat down he could not refrain from stating the deep grief he felt at seeing this measure, which must so importantly interfere with the happiness and prosperity of the Irish people, supported by the right hon. Secretary for foreign affairs. He gave that right hon. gentleman full credit for the sincerity of his former exertions to remove the disabilities under which the Catholics laboured, but he grieved to find that he lent himself to this new and perilous experiment. If government were disposed to check these Associations, why did it not proceed against them in a different manner, without producing disappointment and exciting resentment? On a very recent occasion, the right hon. gentleman had laid before the House the result of his proceedings relative to the independent states of South America. As an Englishman, he felt gratitude for the statesman-like manner in which that important negotiation had been conducted: it was highly creditable to the right. hon. gentleman, and to the government who had supported him; because, while careful of the national honour, and watchful over the national *interest, he had not neglected* to be just. After this display of his love of justice and liberality, it was doubly grievous to see the same right hon. gentleman lending himself to a measure which must blast for ever, in the minds of the Roman Catholics, the hopes his previous conduct had excited. Why did he not attempt something worthy his high talents and liberal mind, to heal the festering wounds of Ireland? Perhaps he was the only man in the country who could accomplish this great object; and, scorning all considerations of fleeting ambition and temporary popularity, if he valued his character with posterity, or the permanent welfare of his country, he ought to commence this great and beneficent undertaking. A time must arrive with all men, when they would have to look back to the events of their lives for many subjects of satisfaction or accusation, the best would find much to regret and deplore, but at that moment an opportunity was offered to a great and enlightened mind, which never might recur, and the neglect of which, on the approach of death, might be

a source of the bitterest affliction. He conjured the right hon. gentleman to retrace the steps he had recently taken—to open his heart to the cries of the afflicted Irish—to withhold his support to this bill —and to stand forward once more the eloquent and the undaunted champion of equal laws and equal rights to the Catholic and the Protestant. He would fain persuade himself, that it was still the wish and the intention of the right hon. gentleman to do justice to Ireland; and nothing but perseverance in a course of measures like the present could induce him to abandon the hope, that it was yet the destiny of the right hon. gentleman to vindicate the cause of his injured and oppressed countrymen, and to secure to them the blessings of the British constitution.

Mr. *Abercromby* said, he came to the discussion of this subject with the greatest possible sorrow, because it had been his conviction, subsequently confirmed by the candid avowal of the right hon. gentleman, that the House would be called upon a career of conduct and a course of measures, the effect of which would be to sap the foundation of the peace and prosperity of the realm, and to sow the seeds of discontent and sedition. If the question had been as to the provisions of the bill, in common candour he would have deferred the discussion of their merits or defects. But, to the principle he objected; and therefore, whether the enactments were mild and circumscribed, or severe and extensive, was on the present occasion, of no import. He was prepared to contend against it on reason; and he thought he should be able to dispute it upon experience. Were he asked if he disapproved of the Association, his answer would be clearly in the affirmative. He regretted its existence, though the grounds of that regret might be different to those of the right hon. gentleman. To many it was, no doubt, highly objectionable, because it brought into weekly and daily observation the just grievances of the Catholics; for if the Association had not been backed by just grievances, it would never have tempted the interference of parliament. No doubt some persons might, with apparent reason, complain of its proceedings, because they brought to light disagreeable truths; but he (Mr. A.) disliked its existence, because that very existence afforded an undeniable proof of misgovernment and maladministration. For years the finger of scorn and contempt had been every where raised against his majesty's ministers, for their conduct towards Ireland; but they had been reviled in vain, and upon them the lessons of experience seemed to have been lost. Were he asked, whether he wished the Association to continue its labours, his reply would assuredly be in the negative; but by that admission he gave not the least advantage to the framers of the bill now under consideration. It was frankly confessed, that this measure was only the commencement of a series, and that others would be, from time to time, introduced, to keep pace with the ingenuity of those who succeeded in evading the law. True it was, that an act of parliament might destroy the Catholic Association in its present form; but who should say how often it might be revived in some other shape, requiring new exertions on the part of the executive to keep pace with its ingenuity? The difference between the right hon. gentleman and himself was this—the right hon. gentleman waged war against the symptoms: he waged war against the cause. Emancipation, and emancipation alone, could put an effectual end to the labours of the Association. The Association might be dismembered, but the spirit which produced it would continue even in greater activity. The longer justice was refused, the more virulent would be the exasperation on the part of the people of Ireland. He was now entitled to call the Catholics the people of Ireland. Of the Protestants he spoke with all respect. God forbid he should be so intolerant as to deny it to them! But the House should recollect the disproportion in the population, and that the Protestants no longer monopolized all the education and civilization of the country. The great body of the Catholics now possessed knowledge, which was power, and civilization would enable them to use that power to advantage: they were therefore entitled to be called the people of Ireland. What, then, he would now inquire, could be the possible effect of this measure? What could be the effect of any measure of this kind, but to aggravate the very feeling out of which the evil complained of had arisen? The right hon. gentleman adopted a course which excited, instead of allaying irritation; which encouraged discontent instead of promoting good will; while he (Mr. A.) in accordance with the ablest and wisest

of men that had ever adorned the annals of the country, by restoring the Catholics to their unquestioned rights, and by destroying all odious distinctions, would raise them from a degraded caste, take them into the bosom of the state, and by uniting all its subjects, consolidate the strength of the empire. On this general view he was prepared to resist the motion before the House. But the right hon. gentleman had indulged in many observations upon the Catholic Association. He (Mr. A.) did not mean to stand up as their advocate and panegyrist, nor would any hon. gentleman on his side of the House do so; but he should hold himself unworthy of his place, because guilty of a base acquiescence, if, from the fear of misrepresentation and calumny, he did not boldly state his opinion regarding it. He regarded the existence of this body as a natural consequence of the system of misrule so long pursued. It had been used as an argument against the Catholic claims, and urged with great effect in this country (though he was surprised to hear it from any gentleman who had visited Ireland), that the question of emancipation only affected a small number of individuals, and, that to the great mass of the Catholics, it was wholly unimportant; that it was merely a dispute whether Mr. O'Connell should have a silk gown, or lord Fingal form one of the twenty-eight representative peers of Ireland. If the great body of the Catholics were disposed to afford a clear practical answer to this argument, or more properly to this assertion, he, for one, could not blame them. That the Catholics, to use the terms of their opponents, had united and banded themselves together for this purpose, and had established the Association, he begged leave, on the other hand, to ask, if no parties had united and banded themselves against them? Had the House never heard of Orangemen, and of Orange societies? Had it never witnessed, on the part of these Orangemen, a detestation towards the Catholics, at least as strong as the hatred of the Catholics towards them? Such was the fact; and he deplored it. He stated it clearly and broadly, because it was only by plain and unequivocal statements, that the people of this country arrived at a correct knowledge of the real state of things, and were thus rendered capable of deciding this great question, involving the safety and prosperity of the whole empire. But, were the Orangemen the only parties systematically united and banded against the Catholics by the strongest ties, those of sympathy and self-interest? Could it be disputed, that the main body of the clergymen of the church of England were so united and banded and ranged against their fellow-citizens in the most resolute hostility? Had they not been so united and banded since the moment when lord Sidmouth declared that he held his office by the tenure of Catholic exclusion? Was it wonderful, then, that the Catholics of Ireland, surrounded by enemies, united and banded against them in that country—aided by others, united and banded against them in this—recollecting the argument used at the Union, and that notwithstanding, after five and twenty years, they were as far as ever from the attainment of their object—should be induced to combine for the accomplishment of a purpose for which they had been so long struggling? Had they so combined in violation of the existing law? Most assuredly not. For if they had been guilty of the slightest infringement, was it to be supposed for a moment that the vigour of its arm would have been called into action against them? It was undeniable, then, that the Association had not offended against the law; although a solitary attempt, which he would not now characterise as it deserved, had been made to bring one of its members to justice. With the full knowledge of the existence of Orange societies, who had violated a known law, and of the existence of the Catholic Association, which had violated no law, the House was called upon to adopt new and more vigorous measures, to keep pace with the ingenuity of those who, to maintain their rights, were compelled, by the injustice of their oppressors, to resort to expedients becoming rather the guilty than the innocent. For one, he abjured such a course—such a system of legislation which, if pursued, must end in the total separation of Ireland. He recollected no domestic question so awfully important. The right hon. gentleman, with some warmth, had deplored the union of the two characters of priest and associator. He (Mr. A.) deplored it also. The combination of a religious and a political character in the same individual had been productive of some of the greatest evils the world had known. But, did this combination exist only among the Catholics? At least it was

right to be impartial on such a topic; and, if he abominated the union of priest and politician among the Catholics, he abominated it equally among the Protestants [hear, hear!]. It was of no consequence to the argument, that the Protestant was a dignitary of the church, and the Catholic a country pastor, poor from his station, and obscure from his poverty. If it were wrong in a Catholic priest to join in a humble supplication for justice, might we not condemn, with at least equal severity, the deacons and archdeacons of the establishment, who, from the pulpit and from the press, urged their flocks to petition against concession [hear, hear!]? If it were a crime in a Catholic priest to interfere for the attainment of the Catholic claims, surely it was not less criminal for a Protestant divine to interfere at elections for the return of members hostile to those claims.—Another topic on which the right hon. gentleman had laid much stress was the interference, or, as he called it, the intermingling, of the Association in the ordinary administration of justice. On that subject all must speak according to their separate information; and he (Mr. A.) was prepared to state, that he knew of instances where the interposition of the Catholic Association had been attended with great public benefit, by promoting and establishing the ascendancy of the law. This desirable object had been thus accomplished; it had made the rich man amenable to the law, and had given the poor man a consciousness, that if he were aggrieved by the law he might be redressed. The statement of particular instances was always objectionable, and its inconvenience had been proved by the proceedings of that night. Now, those cases proved any thing in the world but what the right hon. gentleman wished to establish by them; for even taking them both on his representation, the persons who gave evidence detailed such circumstances as led to an acquittal, and the real ends of justice were effectually answered. Giving, therefore, to the Catholic Association all the malignity of character which had been imputed to it, even that malignity was destructive of its own object, and could not accomplish its designs. But those cases touched not the character of the Catholic Association at all. They only referred to the conduct of a Catholic priest. Assuming the circumstances to be as the right hon. gentleman stated them to be, he had no hesitation in condemning the conduct of that priest. But, what had this to do with the Catholic Association? The man received an acquittal from a full bench of magistrates, at the head of whom was an upright and honest judge, Mr. Blackburn, which was the most consolatory circumstance he (Mr. A.) had heard with respect to Ireland. It was absurd and unjust to impute blame to this Association, for the expression of feelings which were nothing but the inevitable result, and necessary consequence, of the system which had been pursued towards the Catholics of Ireland. One objection which had been made to that Association, and to which he was himself inclined at first to attach some importance, was, he was happy to perceive, without foundation. It was said by the enemies of the Catholic Association, and the same observation was applied to Orange and other Associations, composed of and representing large bodies of the people—that the influence which they must necessarily possess, and the wealth which they could bring to bear upon any question, might obstruct the due administration of justice, influencing juries, for example, to pronounce an iniquitous verdict, and to crush some opponent whose innocence could be of no avail against the intrigues of a powerful body. But, had this charge ever been brought against the Catholic Association? Did the right hon. gentleman complain of the unjust conviction brought about by their means, or was it to the recent acquittals of innocent persons, effected through the instrumentality of that body, that his objections applied? Where, then, he would ask, when so much good had confessedly been done by that body, in the way of facilitating and not preventing the fair and equal administration of justice, was the necessity of legislating against it?—The right hon. gentleman had laid great stress upon a paper sent forth by the Association, and addressed to the people of Ireland, commenting in severe terms upon the language of that address. Now, he (Mr. A.) had read that document upon its first appearance, and he could see nothing to call down severe reprehension, while there was much in it which had obtained his unqualified approbation. He had thought it upon first looking at it (and he really, notwithstanding what had fallen from the right hon. gentleman, had seen no reason subsequently to alter his opinion) a temperate

and manly production, emanating from a virtuous and well-regulated mind, and essentially calculated to answer the end it professed to have in view; namely, the allaying of animosities, and the promotion of tranquillity. There might, to be sure, be two or three warm expressions, but the House would make allowance for that exuberance of language which seemed so natural in an Irishman, especially when he conceived he was suffering under oppression. And he was sure they would agree with him, that there was nothing in that document to call down the strong censure of the right hon. gentleman. What, for example, was the language of that address, and what was the advice which the Association gave to the people of Ireland? He would, with the leave of the House, read a passage from that document, and he would submit, if it did not bear him out in the character he had given of it. "We advise you to refrain totally from all secret societies; from all private combinations; from every species of Whiteboyism, or Ribbonism, or by whatever other name any secret or private association may be called. We would not attempt to deceive or delude you; we could not obtain your confidence, if we were to state falsehoods; and if we could, we would not purchase confidence at the expense of truth." What, he asked, could be more calm, more temperate, than the language of this passage? He would read another passage which breathed the same spirit. "Whenever Whiteboy or Ribbon offences are committed, many innocent persons will inevitably be convicted of crimes which they never committed." What could be a stronger argument to the people to refrain from crime than that contained in this passage? Here self-preservation—and what could be a more cogent reason?—was held out as the inducement to abstain from crime. Had this paper said, "Wherever Whiteboy offences are committed many innocent persons have been convicted," the language would not have been half so emphatic, nor the argument half so powerful; but the word *will* conveyed a warning of the future, founded upon the experience of the past, in language that must have come home to those to whom it was addressed. For, situated as Ireland had been, who was there so inexperienced as not to know that in times of disturbance, and amongst the exasperation of parties, the innocent, either from accident or design, had often been confounded with, and punished for, the guilty? and it did not require much foresight to be convinced similar circumstances would be productive of similar results. The Address went on to state, "How many innocent persons have been known to suffer transportation? and how many have we seen suffer death, by reason of Whiteboy crimes?" And then, with a degree of candour which was highly creditable to the framers of this document, it proceeded to exculpate the government of the country from the odium which might otherwise attach to the employment of spies, by stating the necessity which existed for such a system, where outrages such as had been described prevailed. "Some may blame the administration of the laws for these frightful results; but, good sense will soon convince every dispassionate man, that they are the necessary results from the passions which are naturally excited by Whiteboy and Ribbon outrages and crimes, and, from the rewards, which at such periods are justifiably offered to informers, amongst whom will be found the very basest of mankind." Now, what was there in these and similar passages, to call for the animadversions of the right hon. secretary? But, that right hon. gentleman had passed by such passages, in order to fasten and dwell upon one isolated sentence; which he would boldly say was the only passage, throughout the whole of that document, to which the shadow of an objection could attach. Although he would take upon himself to defend that passage, which he could have wished had been omitted, still he could not help saying, that much more stress had been laid upon it, than was warranted, either by the context or the words themselves. The passage to which the right hon. gentleman alluded, was this—"In the name, then, of common sense, which forbids you to seek foolish courses; by the hate you bear the Orangemen, who are your natural enemies; by the confidence you repose in the Catholic Association, who are your natural and zealous friends; by the respect and affection you entertain for your clergy, who alone visit with comfort your beds of sickness and desolation; by all these powerful motives, and still more by the affectionate reverence you bear for the gracious monarch who deigns to think of your sufferings with a view to your relief;—and above all, and infinitely beyond

all, in the name of religion and of the living God, we conjure you to abstain from al secret and illegal societies, and Whiteboy disturbances and outrages."—This was the passage in which the obnoxious expression which had called down the strong reprehension of the right hon. Secretary was to be found. And what was this obnoxious expression?—"By the hate you bear to Orangemen." Had the Association said, "We advise you to hate all Orangemen—we conjure you to look upon them with feelings of irreconcileable hostility;" then, indeed, no language could be too strong to mark his reprehension of such language. But, such was not the language of the address. It was not an advice to war; it was an invitation to peace and good-will. He regretted the use of the word; for he believed it had diminished the friends of Catholic Emancipation, and made some of those who were otherwise favourably disposed to that measure hostile to it; but, in his opinion, the meaning of the expression had been greatly perverted; and taking it even in the most unfavorable sense, was, he would ask, an isolated expression like this, emanating from a single body or a single man, to be made an argument for refusing their just rights to millions of our fellow subjects? Were the Catholics of Ireland to be punished for a single word? Were they to be ground down by oppression, and then refused even the poor privilege of complaint? Would the parliament of England, that parliament which sanctioned and persevered in a system necessarily productive of ill-blood, add insult and oppression to injustice? What had the Catholics of Ireland done, but that which was the necessary consequence of the system to which he had alluded? But, as they were upon the great object, of obtaining a participation of the benefits of the British constitution, what more natural course could they pursue, than refer to the pages of their history, and endeavour to follow the example of those patriots who had procured for them any of those rights, which, after so many struggles, and with such difficulty, they had obtained? While occupied in such a search, to whom would they be more likely to refer than to that great and able man Mr. Grattan? What was the course, then, which that tried patriot had pursued, in order to achieve those rights, which under his auspices, were obtained for his country? Was it not by the institution of an Association, similar, in a great measure, in its object to the Catholic Association? And was it not natural for the present leaders of the Catholics to expect, that, by pursuing a similar course, by keeping within the bounds of the law, by persevering in the language of firm but respectful remonstrance, they might ultimately obtain the object of their efforts? Was there any thing unconstitutional in this? He would say, no; and he would say further, that unless the Catholic Association had kept within the bounds of propriety, unless they had the feelings of the respectable part of the community with them, they could never have survived as they had done; but, like the Convention to which he had alluded, fall to the ground the moment they ceased to retain the confidence of the people. The institution of the Catholic Association was the natural consequence of the system which had been adopted towards those whom they represented. That Association had grown out of a solid grievance, and if ministers wished to know the proper way to put it down, he would tell them:—It was by removing that grievance, and granting Catholic emancipation. But, if they chose not to apply this only remedy, he could tell them that the measure of the right hon. Secretary would not avail; and the next best thing they could do would be to let the Catholic Association alone. Had it not been for the contemplated measure, there might have been some chance of its dying a natural death. Even the Rent, its most formidable engine, could only, according to the right hon. Secretary's own statement, be collected by compulsion; and, to any body who knew any thing of Ireland, this fact was, he believed, a sufficient evidence that the Rent was near its end. This, therefore, was an additional argument for leaving the Association alone. To this dilemma were the opponents of the Association reduced. It must die either a natural or violent death. If left to itself, the former must soon be the consequence. It owed its existence to a moment of enthusiasm, and that enthusiasm could not last. But although the enthusiasm might subside, and the Catholic Association be extinguished, did it follow that the Catholic spirit was to be extinguished also? He would answer, No! and this bill of the right hon. gentleman would daily and hourly increase it. It had been said, that

the Catholic Association did not possess the confidence of the Catholic people of Ireland. It had been doubted, whether the Catholic nobility and gentry would be found to unite and concentrate their energies upon the common object of their emancipation. The progress of the Association had proved, that neither the Catholic people generally, nor the nobility and gentry in particular, were so indifferent to the obtaining of their rights, as the enemies of their cause had supposed. The question then was, would this enthusiasm, this union of heart and purpose have lasted? He had already answered that question, by saying, that if any thing could, more than another, have riveted the bonds of fellowship between the Association and the great body of the Catholics it was this bill of the right hon. gentleman. That the Association had before possessed the confidence of their countrymen, it would be idle to deny. That the present measure would give them an additional claim to that confidence, was a proposition, which few would be hardy enough to controvert. That this persecution would only stimulate further efforts upon the part of the Catholics, must be equally obvious to those who knew any thing of human nature. They had made a great struggle; and, although they might be baffled in that struggle, still it had drawn the attention of others upon them. It had raised them in the estimation of others, which was the true way to elevate them in their own; and the consequence would be, to produce perseverance, instead of inducing any relaxation in their efforts. If, therefore, the right hon. gentleman had wished to inspire confidence, instead of creating distrust, and to create, as it were, a beacon to light the Irish Catholics to future exertions, he could not have taken a more effectual course than that which he had adopted. The bill of the right hon. gentleman would not, he repeated, have the effect of deterring the Catholics from seeking for their just rights; nor would it, he was confident, by any means retard that great measure, which alone could afford a remedy for the multiplied evils of Ireland—the emancipation of the Catholics. It would, on the contrary, he was satisfied, promote and accelerate that measure; for although there had been a cry against the Association, with a view of creating a prejudice against the Catholics on the part of the people of this country; although it had been said, that they carried things with a high hand, that they bearded the marquis of Wellesley, and usurped the functions of the Irish government, the people of England were, he was convinced, too sensible to be deceived by such representations; and they had already begun to ask themselves this serious question, "What are we to do with Ireland? Is she to hang like a millstone round the neck of this country, a burthen to us, and incapable of benefiting herself? It is evident that something must be done, and that something is Catholic Emancipation." It was, therefore, with the utmost astonishment that he had heard the right hon. Secretary talk of the alarm which he said prevailed in the country upon this subject. They were alarms which, he would venture to assert, had no existence, unless in the imagination of the right hon. gentleman. But, even if they did exist, that circumstance should not prevent him (Mr. A.) from expressing his conviction, that upon the carrying of the Catholic question, the safety of the empire rested, and his determination to support that measure, in all times, and under all circumstances, "through evil report, and good report." The bill of the right hon. gentleman might pass; the Catholic Association might be put down—but, the divisions of that House would pass away, while the progress of education, and the feeling of an enlightened public must work their way. These were the sentiments upon which he had acted, and upon which he would continue to act; holding fast by those immutable truths which, through all changes and circumstances, must ultimately and effectually prevail. He hoped, however, that the measure of Catholic emancipation would not be postponed too long. Had it been conceded at the Union, the period when it ought in justice to have been granted, it would have come with a much better grace from the grantors, and upon much better terms to its opponents; and this might be predicated of every succeeding year to which the boon had been delayed. But, although this was his opinion, and anxious as he had always felt for the granting of that measure, still, had he at the time of the Union been able to foresee future events, he would have postponed the grant of Catholic emancipation to the year 1825. For, when he looked to the present flourishing state of this country; its commanding

situation; its flow of capital; and the great advantages that would result to both countries from the union of commercial interests, he could not but feel that the present was the time when the grant of Catholic emancipation would be most desirable and most beneficial [hear, hear!] When he said this, he did not mean to insinuate, that the accomplishment of that measure was by any means unlikely in the present year. He did not know when his hon. friend, the member for Westminster meant to bring forward his motion relative to Catholic emancipation; but he should not be at all surprised if some Orange member were to anticipate his hon. friend in the introduction of the measure. It had been said, by some of those who were most opposed to the Catholic claims, that if the system of forty-shilling freeholds were abolished, they would have no objection to vote for emancipation. He believed that the great ground of objection, upon the part of the majority of the exclusionists to Catholic emancipation was, that it would destroy the Protestant monopoly. But, when they reflected upon the progress of education—when they reflected that knowledge was power, and that the Catholics were making rapid advances, not only in intelligence but in physical strength, perhaps they might be inclined to enter into a compromise. He therefore had some hopes that between his hon. friend (sir F. Burdett) and such Orange members as might be inclined to become the advocates of Catholic claims, a compromise, such as that to which he had alluded, might be agreed to, and the measure of emancipation acceded to in the year 1825, under the auspices, and with the co-operation of all parties [hear, hear!].—It was impossible for him to state his view of this question without speaking of the government of the marquis Wellesley. He had thought, and he had expressed that opinion in the House, that the government of that nobleman had been entitled to great credit; but now he was free to say, that he conceived it had totally failed. He would explain why he thought so. When lord Wellesley accepted the important post which he held, his known opinions had the effect of placing him in a delicate and difficult situation. He (Mr. A.) wished to see him have fair play, and that he should neither be embarrassed by the practices, nor made the instrument of Orangemen. His lordship's government had been represented as absolutely perfect. But, in fact, it had failed; and the proof was, that the House was that night called upon to pass a bill by which it was admitted that the state of faction in Ireland was such, that the government required extraordinary powers to enable it to maintain its authority. He repeated, therefore, that it had failed; and he was convinced that every other system of government must fail until Catholic emancipation should be granted. More had been done of late, it was said, to conciliate than had ever been attempted before—greater powers had been conferred upon the government, but nothing except emancipation could do any good. For this reason he would not concur in the measure before the House. Every body must see that this was one of a series of measures, contrived to keep pace with the ingenuity of the government and the discontent of the people. He for one, feeling that justice had not been, and never could be, done to the people of Ireland, until their emancipation should be conceded, and that all other measures would be hopeless and unavailing, would resist to the utmost of his ability the proposition of the right hon. gentleman.

Sir *Henry Parnell* spoke to the following effect*:—

Mr. Speaker; I shall commence the observations that I am about to address to the House by following the example of my hon. and learned friend who has just sat down, and declaring the great regret with which I feel myself obliged to oppose any measure proposed by his majesty's ministers respecting the affairs of Ireland. I have been, and still am, ready to believe, that in regard to Ireland they are actuated by the best motives, and that the general principles upon which the government of Ireland has been of late conducted, is deserving of being supported. But, when a measure is proposed to the House which I think must be followed, if carried into a law, by the most pernicious consequences to the interests of the empire; a measure that I consider to be the first of a series of measures of more violence on the part of the Catholics, and of more coercion on the part of government, that must terminate in general confusion and rebellion; I feel

* From the original edition printed for . Ridgway, Piccadilly.

myself called upon to step forward and make use of every means in my power to stop its progress.

I do not see any thing in the present circumstances of the case, to warrant the despairing of being able to induce his majesty's ministers to withdraw this measure. I am thoroughly convinced that the current opinion against the Catholic Association has been formed under the greatest delusion. Ex-parte statements have been so industriously circulated, and so negligently admitted to produce an influence, that the public mind has been formed without any opportunity of having the merits of the case at all understood. Not only the opinion that prevails out of doors, but the general opinion that prevails here, and the opinion of ministers themselves, have been too hastily declared in favour of putting down the Association, and therefore there is just grounds for anticipating a great change in those opinions when the subject shall have been fully discussed, as I trust it will be, in every way and on every occasion, that the forms of the House allow to members for the discussion of it in the most minute and extensive detail.

In proceeding to the examination of this case, I must begin by noticing the very vague and indefinite terms in which the charges made against the Association are expressed. Their proceedings are declared to be irreconcileable with the spirit of the constitution; but if they have been in point of fact what they are stated in debate to be, why are they not openly declared to be proceedings in violation of the constitution? Their proceedings are said to be calculated to excite alarm and exasperate animosities. Why are they not declared to be proceedings that have excited alarm and exasperated animosities? The reason is, because, though these direct charges are so profusely made in debate, no minister could take it upon himself to state them in this open and direct manner, in a speech purporting to be the speech of his majesty.

In respect to what has fallen from the right hon. gentleman, the chief secretary of Ireland, I will first notice the difference of opinion that prevails between him and the right hon. secretary of state for foreign affairs. The latter gentleman, on the first day of the session, protested against the monstrous idea that there existed any identification between the Catholic Association and the Catholic body. He called it an incubus, and said, in the name of the Catholics, he denied any connexion between it and them. But the chief secretary of Ireland has gone into great detail, to shew that the whole of the Catholic nobility, the whole of the Catholic hierarchy and clergy, and the whole of the Catholic laity, are one and all united in feeling and opinion with the Catholic Association; and by doing so, he has most clearly taken away from the secretary for foreign affairs, the sole and whole grounds on which he rested all his charges on the first day of the session against the Catholic Association.

But the right hon. gentleman has endeavoured to do away the impression his admissions were justly calculated to make, by saying that the nobility had pandered to the popularity and influence of the Association. This, however, I am able to deny, and to shew not to be true, by referring to the letter of lord Gormanstown to the Catholic Association, in which he voluntarily comes forward and declares his entire approbation of the proceedings of the Association: and to that excellent letter of lord Kenmare, in which he has expressed sentiments exhibiting the justest feelings of his own degradation and that of his Catholic countrymen; and in which also he declares his fullest approval of the Association, and of its efforts to redress the grievances of the Catholic community. In addition to this, I am enabled to state, that at one of the late meetings of the Association, lord Killeen was in the chair, who for many reasons may be justly said, on all such occasions, to represent the opinions of the whole Catholic nobility.

The right hon. gentleman, as well as those who have preceded him in these discussions, has made the gravamen of the charges against the Association, consist in their conduct in regard to certain law proceedings; but the House must have participated in the surprise which I feel, after hearing the very laboured statement of the right hon. gentleman, to find that he has been able to bring forward only two cases of charge against the Association. The first of these cases he informs us, occurred at the end of last July, the case of Ballibay; and the second, after an interval of five months, in the beginning of January, at Six-mile Bridge. The House must be struck with this decided failure of the right hon. gentleman, to

substantiate his sweeping and most formidably sounding charge against the Association, when, with all his necessarily accurate knowledge of every thing the Association has been doing, he could find no one case to refer to, during this long interval of the most active career of this alarming Association. In my opinion the right hon. gentleman has not acted quite fairly by the Association, in not having mentioned the other cases of interference which actually did occur. But the inference is palpable that is to be drawn from this suppression; it is this, that these other cases tell against the conviction of the Association of unconstitutional conduct.

I will now proceed to mention what these other cases are, and I feel confident that after I have submitted them to the House, the impression will be not unfavourable to the general character of the Association. The first case is that relating to an affray that took place at Innismore in the county of Fermanagh. A quarrel between two individuals, one a Protestant, the other a Catholic, was to be settled by a boxing-match at a fixed time and place. The parties met; but the friends of the Protestant having come provided with fire arms, fired on the Catholics, killed one man, and wounded some more. Notwithstanding the violence of this outrage, the magistrates took no steps to discover and apprehend the offenders; they refused even to take informations against them. The whole business was on the point of being quietly passed over, as hundreds of similar cases, as a matter of course, have been suffered by the magistrates to lead to no prosecutions, when the Association sent down an agent and a barrister, Mr. Kiernan, to inquire into this transaction; and employed them, subsequently, to conduct a prosecution against the offenders at the ensuing Assizes at Enniskillen.

Now, as to the point, whether or not the Association did any thing improper by so employing agents and counsel, the House will agree with me, when I say, that it mainly depends upon the state of political feeling, at the time, in the county of Fermanagh. What this was, I am able to show on the most unquestionable testimony, namely, that of the Judge of the Assizes, Mr. Justice Moore, whose name I cannot mention in this place, without noticing the able, upright, and constitutional manner, in which he has discharged the high, and in these times most responsible, duties of his office, on the numerous occasions in which he has of late been placed in the most arduous situations. The following is an extract from the charge of this learned judge, to the grand jury of the county of Fermanagh, on opening the king's commission at the assizes; and I am sure, that after I have read it, the House will form but one opinion as to the unfortunate extent of political animosity that existed in this county at that time, and of the absolute necessity of giving assistance to any Catholic peasants when aggrieved, with the best legal advice and protection. "There were," said the learned judge, "no burglaries, no highway robberies, no burnings, nor any of those crimes that occur in society, and yet the calendar was stained with crimes of a sanguinary nature, and with more sacrifice of human life than appeared in those distant parts where disturbances had lately reigned. It was strange that the calendar of this country should be so marked with blood." The learned judge said he would not take upon himself to assign any cause for this, it was the business of the grand jury to put matters in train for unravelling the reason of this state of things.

When the trials came on of the persons who had been concerned in the murder committed at Innismore and in other battles that had taken place, the real cause of all the evil was soon found to be, wholly, party feeling. The prisoners, who were charged with this murder at Innismore, having been put upon their trial, the jury found a verdict of manslaughter. But here, again, and evidence is to be produced on the authority of the judge, is another complete proof of the impracticability of an impartial administration of the laws where these unfortunate party feelings so extensively prevail. When Mr. Justice Moore passed sentence upon the prisoners, he addressed them to the following effect, and thus pretty plainly expressed what his opinion was of the verdict of the jury:—"Prisoners; you owe the preservation of your lives to the lenity of the jury. Your country has been in a state of violent disturbance for a year or two in consequence of the mistaken zeal of party feeling. It lies with the magistrates to repress this lamentable evil.—Dennis Rooney; you cried out that you would have the life of a Lisbellaw man, and blood for blood. You struck the

deceased two blows while he was laying on the ground, as if to insult the expiring man—to extinguish him the more."

Now let the House carefully look at this case from the beginning to the end, and then say which deserves their favourable judgment, the charge which is made by the right hon. gentleman against the Association for interfering with the administration, or the defence that I am now bringing forward to shew the absolute necessity of such interference. First; an armed body of Orangemen fire upon an unarmed body of Catholics, without any previous attack on their part. Secondly; one Catholic is killed and several are wounded. Thirdly; no magistrate makes any exertion to discover and apprehend the offenders, while some magistrates refuse to take informations against them. Fourthly; when the offenders are brought to trial, although the crime of murder is, according to the address of the judge, established by evidence, the jury find a verdict of manslaughter. Now, I am sure, no member who has heard the words of the learned judge, can hesitate a moment in admitting, that under such circumstances as he has described, it was perfectly justifiable in the Association, to endeavour to obtain for the Catholic peasantry of the county of Fermanagh something like a due administration of the laws, by sending down an agent and a barrister to conduct this particular prosecution.

But I have still something further to state respecting this case of Innismore. It was of so flagrant a nature, as to the original outrage, that the Irish government most properly, sent down Mr. Blackburn to ascertain all the circumstances relating to it. But did Mr. Kiernan, the Catholic barrister, interfere with or obstruct Mr. Blackburn, as the representative of government? No, on the contrary, he gave him all the assistance in his power; he co-operated with him most cordially, and in point of fact, he contributed very essentially to promote and assist the object of government. Mr. Kiernan, it appears from the published proceedings of the Association, reported most favourably of Mr. Blackburn's conduct in regard to the previous inquiry, and afterwards mentioned in the highest terms of panegyric the conduct of Mr. Justice Moore.* In the course of this trial it was established in evidencce, that one of the Catholics, who had been wounded by a gun-shot in the thigh, had applied in vain to certain magistrates to take his information against the persons who fired at him; but did Mr. Kiernan recommend instantaneous proceedings to be taken by the Association against these magistrates? No; it appears in the debates of the Association, that he advised the matter to be left to his majesty's attorney-general, and that the Association should not proceed unless the government declined to do so. This is the first case of legal proceedings by the Association that I have to lay before the House, and I feel confident, that no member will hesitate to allow, that under all the local circumstances of it, the existence of an Association in Ireland, willing and able to afford legal aid to the peasantry, is not altogether what it is represented to be by his majesty's ministers.

The case I have next to mention, is that of a chief constable of police at New Ross in the county of Wexford. This officer had exercised his authority in a severe manner against some poor people, and used offensive language in addressing them: upon a complaint being made to the lord-lieutenant, he directed the neighbouring magistrates to examine into the transaction. The Association sent down Mr. Bric, a Catholic barrister, who after a very able effort to obtain justice for the people, succeeded in causing the magistrates to decide against the chief constable. In consequence he was removed by order of the lord-lieutenant, from his situation in that part of the county. Now I have made inquiries concerning this business, and I am able to say, on the best authority, that it is the general opinion, that nothing but the attendance and exertions of Mr. Bric, produced the event that here took place.

The third case I have to state is that which occurred at the quarter-sessions, at Killesandra, in the county of Cavan. Here several Catholics had been very severely beaten at a fair; and the party who beat them, when they found informations were lodged against them, swore cross-informations so that a great number of desperate

* Mr. Blackburn presided at the trial at Six-mile Bridge, and in open court, stated in the highest terms the approbation of the whole bench of magistrates, of Mr. O'Gorman's conduct, who had been sent down by the Association.

assaults, stood for trial at these sessions. Mr Bric was again employed. Th bench was most respectably attended—the trial of one of the Orange party was first gone into, and after a vast deal o contradictory swearing, the jury without hesitation found a verdict in favour of the Catholic prosecutor. Here I wish to make a few observations in reply to wha appears to me to be an unfounded statement of the chief secretary of Ireland; he has broadly declared that the Catholic barristers have been sent down to the country by the Association, to conduct legal proceedings, have uniformly made speeches to excite every kind of hostile party feeling thus prejudicing and destroying the purity of a due administration of justice. Nothing, I can assure the House, can be more utterly devoid of foundation, than this charge of the right hon. gentleman. I have read, I believe, the whole of the reports of these trials, and have never observed that the Catholic barristers in any instance have departed from that strict line of professional conduct and duty which was befitting them to adopt. The House will at once see that no professional man could, with the slightest regard to his character and his own interest, take the course said by the right hon. gentleman to be pursued by them. But I am able to say, that so far from having carried party feelings and party zeal into their proceedings, they have uniformly obtained the approbation of the courts in which they have acted. In the case of Killesandra, when the magistrates suggested to Mr. Bric, that it would contribute to the tranquillity of the county, not to persevere in any more of the numerous actions that the Catholics had brought against Orangemen, he immediately declared his perfect readiness to comply with the wishes of the court.

The fourth case of legal proceedings of the Association that I wish to notice, is that concerning the riot and battle at Maghera, in the county of Derry. In this instance, a common quarrel terminated in a general action. The Orangemen, armed with muskets, fired on their unarmed opponents in the street, killed four persons and wounded a great many more. The state of party feeling in this part of the county induced the Association to send down Mr. Shiel, the Catholic barrister, to attend the trials that took place at the last Spring assizes at Londonderry. The first set of prisoners, the Orangemen, who were put upon their trial, were aquitted. The second set, the Catholics, after a sort of reconciliation, were discharged. In this case all the circumstances that belonged to the transaction; the conduct of magistrates and jurors; and the state of party feeling in the country, fully justified the interference of the Association.

Having now gone through these four cases (and I am not aware that any other exist, of interference by the Association), I request the House to examine carefully how the question stands, as it affects the Association, between these four cases and the two cases that have been mentioned by the right hon. gentleman. I say that each of these four cases of interference are completely justified by the peculiar circumstances of party feeling in which they were involved; and as to the two cases of the right hon. gentleman, I have little doubt, but that after they have been more minutely investigated, they will not turn out to be what they have been represented to be by the right hon. gentleman, such complete proofs of unconstitutional conduct on the part of the Association, much less sufficient grounds for the severe measure of restraint upon the rights and liberties of the people, as that which is now proposed to us.

I was somewhat surprised that the right hon. gentleman omitted to state other instances, besides direct interference on trials, of the interposition of the Association in matters connected with the administration of justice, because I have heard in other places of their being much complained of; I mean the communications that have been made to magistrates by the law agents of the Association, in the shape of latitats, when cases of mal-administration have taken place. But I suppose the right hon. gentleman may possibly agree with me, in thinking, that this sort of restraint upon the magistrates is of considerable practicable utility. In point of fact, nothing is so important for the peasantry of the country as to have some protection, and some security, that the laws shall be fairly administered by the magistrates; in some parts of Ireland, there is, I know, no cause for complaining of the proceedings of the magistrates, in those parts they are as just and exemplary in their proceedings as the magistrates of any county in England; but in other parts, nothing can have been more oppressive than the way in which the duty of the justices of the peace has been

performed. Now, as far as the Association have lent their aid to bring delinquent magistrates to account, there exists a very general opinion in Ireland, among reasonable and moderate men, that a great practical benefit has been the result.

Upon the whole of this case of the interference of the Association in the administration of justice, I beg to make this concluding remark; that whatever there is in the conduct of the Association that appears to be contrary to established principle or practice, may be traced to some previous violation of principle and practice by their opponents: and secondly, that the necessity which thus exists of interfering in the administration of justice in a very great degree arises from government not taking those steps that are in its power, for repressing the previous misconduct of the Orange Societies. In districts of a country so agitated by party zeal as they are described to be by the judges, the government ought to have their law agents constantly at work; and barristers, in whom the Catholics can place confidence, regularly employed as counsel for the Crown at the Assizes to do every thing that can be done, to enforce the effectual administration of the laws; and if this were to be the conduct of government, then, as there would exist no occasion for the Association to interfere, the Association most unquestionably would not interfere; in place therefore of an act of parliament to prevent the Association from carrying on legal proceedings, the true remedy on this particular point is, for the government to take the protection of the peasantry into their own hands: to revise and purify the magistracy: to look after the conduct of sub-sheriffs, and to repress by every means in their power the hostile spirit of the Orange Societies against Catholics.

In what has fallen from the right hon. gentleman on the subject of the Catholic Rent, there is a good deal that is quite inaccurate. The right hon. gentleman has said that the money collected is to be applied to no declared and defined object; but so far from this being the case, the Association have given the greatest publicity to their plan, and described, in detail, the purposes to which this money is to be applied. I hold in my hand the printed paper that has been circulated throughout the whole country for directing the manner in which the rent is to be collected, and the money to be applied. It states—"The purposes for which the pecuniary resources are wanting, should be clearly defined and distinctly understood. The following purposes are of obvious and paramount utility. 1st, To forward petitions to parliament. 2nd, To procure legal redress for all such Catholics, assailed or injured by Orange violence, as are unable to obtain it for themselves. 3rd, To encourage and support a liberal and enlightened press, as well in Dublin as in London, a press that would readily report the arguments of our enemies, and expose the falsehood of the calumnies upon us and our religion. 4th, To procure for the various schools in the country cheap publications. 5th, To afford aid to Irish Catholics in America, to attain religious instruction. 6th, To afford aid to the English Catholics for the same object. A committee of twenty-one persons is to superintend and manage the expenditure of the subscription money; and no monies are to be expended without an express vote of the Association upon a notice regularly given." This is the published plan of the Association, so that, in point of fact, in this instance, when the right hon. gentleman charges the Association with collecting money for unknown and undefined purposes, he is wholly in error.

The right hon. gentleman has said that the Association has issued its mandate to all the priests of Ireland to collect the rent and to fill the office of Treasurer. But here again the right hon. gentleman is mistaken. The same paper from which I have just read extracts, contains the plan of the Association for collecting the rent: but I can state to the House precisely what the course actually followed is. When the inhabitants of a parish wish to contribute to the rent, a meeting of the parish is summoned, at the meeting a chairman is appointed, frequently, though not always, the priest. Resolutions are proposed approving of the collecting of the rent, and a committee is appointed, with a secretary and a treasurer, to manage the collections. But in no case out of some hundreds that I have read, have I ever found the priest appointed to act as treasurer. In point of fact the priest has nothing more to say to the business than any other person, and either supports or opposes the plan, as he thinks proper.

But this collection of the Catholic Rent is styled, the assuming of the authority of parliament, and a levying of taxes.

Nothing can be more unfair than this charge, or more untrue. The payment of the rent is perfectly voluntary, and there exists no kind of analogy between this simple subscription of money,. and the forced levying of a tax. Upon the subject of the great amount of money that had been collected, and is intended to be collected, those representations are quite unfounded that are so often and so loudly repeated. The truth is, that if the sums the Association proposed to raise, in the paper I have read from, dated February, 1824, in their total amounting to upwards of 25,000*l*., are compared with the sums collected, of under 9000*l*. the plan, as far as money was the object of it, has not succeeded. But a large sum of money was not the object of the Catholic rent. Being in company with a Catholic bishop, I said to him, the Protestants I find are very much alarmed at the Catholic rent; to which he replied, they have no reason at all to be alarmed about it, if money was the object of the Association, the rich Catholics would quickly provide it; but the real object of the Catholic rent is, to prove to lord Liverpool, that he is mistaken when he rests his opposition to Emancipation on the grounds that the lower order of the Catholics have no interest, and feel no interest in carrying this measure.—As to the necessity of the Association being possessed of some funds or other, no one can deny it. To do justice to their petitions; seeing how much of the opposition that exists to them in England arises from a total ignorance of the case, and from early established prejudices against the Catholic religion, all that is now collected ought to be expended in publishing and circulating such works as are calculated to make the question better understood. It is in this way that private bills are carried through this House, and why should not the Irish Catholic Association be allowed to exercise and enjoy the same privileges in this respect as is allowed to every set of projectors of gas works or rail roads?

The next charge that is made against the Association is, that by exciting alarms, it endangers the peace of society; but this I will prove to be a charge that is not founded in fact, and I speak from my own knowledge on the subject. I was in Ireland from the end of July to the beginning of September, when I left it; and I can most truly say, that at that time no alarm whatever of any kind existed; the public mind had not been, for a very long period, so perfectly tranquil as it then was; I returned to Ireland on the 7th of November, when I found the greatest excitation of public feeling had been aroused, and party spirit raging in an extreme degree. But what was the cause of this great change? Was it the proceedings of the Catholic Association? No. The Association had adjourned in July, and did not meet again till the 16th of October; and nothing very particular had occurred at the two or three meetings that had, up to that time, been held. But what had actually occurred was this, the London Hibernian school Society, or Association, had thought proper to send two delegates to Ireland, Mr. Noel and Captain Gordon, to convert the people to christianity. These gentlemen commenced their public career at Cork on the 18th of September at a meeting of a Bible society. It was announced, that a fair opportunity would be afforded to all parties to be heard, and the Assizes then going forward at Cork, Mr. O'Connell and Mr. Shiel were brought before the public, at the direct instigation of a London Controversional Association, to exercise their talents in discussing the respective merits of the Protestant and Catholic religion. This discussion continued two days, and the speeches having been reported at great length, a universal excitement took place all over Ireland of no moderate kind, on the disputed point of the propriety of a free circulation of the Holy Scriptures. Mr. Noel and Captain Gordon acted in the most open manner, and with the greatest candour gave the Catholics to understand that in their opinion they were not christians; and that their object was conversion to christianity. These gentlemen from Cork went to Clonmel, where two other whole days were occupied in a hot debate upon the free use of the Scriptures; from Clonmel they went to Waterford, where they attended, on the 28th of September, a meeting of a Bible society, and renewed the discussion of the Bible question. On the 19th of October, the celebrated meeting took place at Loughrea, where the archbishop of Tuam met with some interruption as chairman of a Bible meeting, by a Catholic clergyman attending, and entering into the list of controversial contention.

The impression which these meetings made on the Catholics, and the Catholic clergy, was, a belief that a general and systematic plan was on foot to put down

the Catholic religion; and therefore their resistance to the advocates of the Bible societies was naturally energetic, and calculated to excite a good deal of apprehension. It was by these numerous meetings, the publishing of the whole of the speeches, and the strong doctrines set forth by both sides, that by the beginning of November a universal alarm prevailed throughout all Ireland. This was still further evinced by a set Bible meeting, not unaptly termed a Bible fight, which took place on the 9th of November at Carrick on Shannon, when four clergymen, the elite of the whole Established Church, attended to enter the lists with four humble priests, the production of the banks of Shannon. But the general alarm and universal excitation did not reach its highest point till the Bible meeting at Carlow on the 5th of December. There the advocates of a free circulation of the Bible, especially sent down from Dublin, were opposed by the professors of the Catholic college of Carlow, and met with a reception, which seems to have led public opinion to determine that this trial of strength in point of learning and talent, proved to be in favour of the Catholics.—Now, I take it upon myself to say that the progress of the Catholic rents, the progress of union between the Association and the Catholics at large, was increased more and more every day, according to the progress of those discussions upon the Catholic religion; for it was the Catholic religion which was mainly brought forward, and unavoidably so, at every Bible meeting, I will also take it upon myself to say, under the whole circumstances of the case, that it is to these Bible meetings that all that great alarm which prevailed in Ireland last winter is properly to be attributed, and not to the proceedings of the Catholic Association. For what actually happened as to this alarm? From the day of the meeting at Carlow, when the Bible meetings ceased, the alarm began to die away, till I may say, by the beginning of January, no alarm whatever existed.

I have now stated to the House, what appears to me to be sufficient grounds for denying that the right hon. gentleman has established any of his allegations against the Association in respect of interference with the constituted authorities in the administration of justice; in respect to the Catholic rent, and in respect of their proceedings having excited alarm and endangered the peace of society; I could read to the House from a petition of the Association, presented last session by the hon. baronet, the member for Westminster, their defence of themselves from precisely the same charges that are now made by lord Wellesley's administration, and by the secretary for foreign affairs. For it somehow so happens, that those ministers who were not long ago opposed to the Orangemen, have so completely and entirely adopted the sentiments of the Orangemen of the North of Ireland, that this petition against the accusations of the Orangemen, contains a full answer to all the accusations they now labour under.

But, if I have in any way failed to establish a defence of the Association by this recital of details, I think I shall be yet able to say a great deal towards the justification of the Catholics by appealing to general principles. If the Catholics are oppressed by positive and increasing grievance, and one which justifies an incessant demand for redress, they are driven to act through the medium of popular assemblies, attended as they unavoidably must be by all the inconveniences of general discussion on inflammatory subjects in such assemblies. In all places of this kind, the orator who carries his arguments to the extreme of opinion, is naturally greeted with unbounded applause. It has been made a matter of charge by the chief secretary of Ireland against the Association, that they are violent in their speeches without any just cause. It is on the ground that no competition of opinion prevails in the body. But it would be to expect that the members of the Association differed in their nature from all other men, to require of them, when discussing their grievances, not to give to those who express those grievances in the most glowing colours, their most vociferous applause.

But, great allowance ought to be made in these cases of perhaps intemperate discussion, for the heat that is generated by long-continued opposition, much of this intemperance should be set down to the effects of disappointed hope, and a great deal to the resentment and spirit of retaliation which is excited and justified by the insolence and virulence of their opponents. If the intemperance with which the demand for redress has been urged, is to create a prejudice against the Association, the virulence with which the demand has been resisted, should have some operation in justification of the Association.

The right hon. the chief secretary of

Ireland has explained to the House that his intended measure against the Association is to be founded upon the precedent of the Irish Convention act of 1793, and he has broadly laid it down as a principle of the constitution, that every kind of delegated Association is contrary to the spirit and principles of the constitution. To this doctrine I cannot agree, when the first instances of meddling with the right of delegation are of such recent date; and it is because the proposed bill is a new encroachment on popular rights, that I even more object to it, than I do on account of the Catholic Association. This is the point of view that every friend of the British Constitution ought to take of this bill; for under the cover of putting down an Association for acting in a manner irreconcileable with the spirit of the constitution, it is positively in itself a gross violation of it.—But, the right hon. gentleman has made a statement to the House in respect of the history and character of the Irish Convention act of 1793, which I take it upon me to say, is, in every particular, directly at variance with the true state of the case. The right hon. gentleman has told the House many things about the Catholic Convention of the year 1793, and by placing together the existence of this Convention and the passing of the Convention act in the same year, he has endeavoured to lead the House to believe that the Convention act was passed for the purpose of putting down the Catholic Convention. He has, in point of fact, asserted that this was the case; and then proceeds to argue, that as a new Catholic Association has risen up, that cannot be reached by the act of 1793, the principle of that act is to be further proceeded upon and a new act passed to meet the new case.

Now, I assure the House, that if they will look into any history of what took place in Ireland in 1793, no part of the statement of the right hon. gentleman will be found to be correct. It is in every respect quite contrary to the actual occurrences of that time, and I will now proceed to prove it; having fortunately the means of doing so at hand. The Convention act of 1793 was a measure flowing directly out of the reports of the Irish parliament upon the disturbed state of the country. The evil at that time was the progress of the Society of United Irishmen, and the preparation for an effort to separate Ireland from England by the aid of France, and by the extending of Jacobinical principles. Arms and ammunition had been imported in large quantities, and a plan was on foot for holding a National Convention in the course of the summer. It was for the object of suppressing this Association of United Irishmen, and not of putting down the Catholic Convention, that the Convention act was passed; a fact which is fully proved by the following circumstances:—In the first place, although the Catholic Convention was formed by regular delegation in the end of 1792, and commenced its sittings some time before the meeting of parliament in 1793, the report of the House of Lords on which the Convention act was founded, does not once hint at the existence of this Convention as the cause of the act. In the next place, there is an extract from the speech of the Irish attorney-general, Mr. Wolf, delivered in the House of Commons in the debate on this bill. Mr. Grattan had complained in his speech, that the Catholic Convention was libelled by the bill. But the attorney-general "denied that the bill had any retrospect particularly to the Catholic Convention; it originated," he said, "merely from a professed design to call a Convention to represent the people and overturn the parliament. He alluded to the Society of United Irishmen."—"He further declared he knew of no object of the bill but one—that was to prevent the threatened Convention of the United Irishmen."—"It went," he said, "only to prevent assemblies purporting to be the general representatives of the people, not representation for any pre-conceived object."* Nothing can be more indisputable than this fact of history, that the Convention act of 1793 was not a measure at all connected with the Catholic Convention of 1793, or the system or principle of delegation on which this Convention was formed. What, then, becomes of the argument of the right hon. gentleman, and of the grounds of his new bill, founded as they have been all through by him, upon the notion which he has entertained, that the Convention act of 1793 was an act passed to put down the Catholic Convention of 1793?

The right hon. gentleman, in order to bring into his service this act of 1793 as a precedent to go upon, has referred to the

* Irish Parliamentary Debates, Vol. 13, p. 535.

Society of United Irishmen of 1791, and in a manner that naturally will impress every member of the House with the belief, that this society was a Society of Catholics. He has stated in the most unqualified terms, that this society was formed for the purpose of carrying Catholic Emancipation, and again, has displayed how little acquainted he is with Irish history. After such a statement the House will be surprised to hear me say, that this society consisted wholly of Protestants or dissenting Protestants; and that the object of it was to carry reform of parliament. This was the description given of it in the report of the secret committee of the House of Commons in the year 1798. In this report it is stated that Catholic Emancipation was only the ostensible object, and not the real one, and held out to induce the Catholics to join it.

But other means of proving the errors the right hon. gentleman has fallen into, even still more complete, remain for me to mention: namely; the proceedings of the Catholic Convention of 1793, and the result of them. Towards the latter end of the year 1792, the Catholics, in order to remove all grounds for the statements that had been made in the Irish parliament, that the old committee did not speak in their petitions the sentiments of the whole body of the Catholics, devised the plan of electing delegates in each county, and assembling them together in Dublin. A circular letter was accordingly written by the secretary of the committee, to some leading Catholics in each county, containing a plan for electing these delegates. The business of electing them went on in the most regular manner, and the convention of delegates met soon after in Dublin. This Convention, like the present Association, adjourned from meeting to meeting, had very long and very intemperate debates; had committees of grievances and committees of accounts; collected a large sum of money from the different counties in Ireland, and among other things strongly recommended a reform in parliament. There was just the same canting against this Convention, as there is now against the Association. It was called the Popish parliament, its leaders were called furious demagogues—its proceedings were termed gross violations of the constitution—it was described as a power usurping the prerogatives of the constituted authorities: nothing was left unsaid or unwritten that could be said or written against this Catholic abomination by the Orange party. But still it went on meeting and debating, and publishing long speeches, till at length it resolved to send delegates to London with a petition to the king, to request his majesty to sanction a relaxation of the penal laws. All this time the Irish government did not interfere; on the contrary, it was generally understood that the whole plan of the Convention had even been suggested by persons belonging to it. The delegates proceeded to London, and waited on Mr. Pitt. Mr. Pitt gave them an audience; he did not refuse to communicate with the agents of an association of delegates; he did not quarrel with the principles of delegation; but he did what was very different from what his successors are now doing, he recommended his majesty to receive the Catholic delegates at his levee. His majesty upon the occasion, gave the delegates a most gracious reception, and he in the end granted the objects of the prayer of the petition of the Catholic Convention; and when lord Westmorland, the lord lieutenant of Ireland, opened the parliament, he informed both Houses in a speech from the throne, that he had the commands of his majesty to recommend to them, to take into their consideration such measures as might be most likely to strengthen and cement a general union of sentiment among all classes of his majesty's subjects, and particularly the situation of his majesty's Catholic subjects. The consequence of this speech was the passing of the act of 1793, and giving many valuable concessions to the Catholics, and the voluntary dissolution of the Catholic Convention. Now, as all these things took place and were brought to their completion in the month of March 1793, it is wholly impossible for any one to doubt that they had any connection with the Convention act which was brought in afterwards and passed in the month of July of that year.

Having now gone through a faithful description of the case of the Catholic Convention of 1793, I submit it to the House, whether it would not be much wiser on the present occasion to follow the example of Mr. Pitt and of his late majesty, and meet the claims of the Catholic Association with concession, than to pass this bill for putting down this Association? This is the right use to make of the precedent of 1793, in place of misrepresenting it, and founding upon the misrepresentation this most impolitic measure.

I will now proceed to shew that the principle that has been advanced by the right hon. gentleman, as a principle of the constitution, that all delegation is contrary to the constitution, is not allowed to be the case by some of the highest authorities on this point. Upon occasions of this kind, and more particularly when Ireland is concerned, it is impossible to open the works of Mr. Burke without finding some passages strikingly applicable to these subjects. The following are to be found in Mr. Burke's second letter to sir Hercules Langrishe:—"Whenever ill humours are afloat in the state, they will be sure to discharge themselves, in a mingled torrent, in the cloaca maxima of Jacobinism (or separation); therefore people ought to look about them.—First, the physicians are to take care that they do nothing to irritate this epidemical distemper. It is a foolish thing to have the better of a patient in a dispute. Its complaint or its cause ought to be removed, and wise and lenient acts ought to precede the measures of vigour. They ought to be the ultima, not the tota ratio of a wise government. Where a prudent and enlarged policy does not precede force and attend it too; where the hearts of the better sort of people do not go with the hands of the soldiery, you may call your constitution what you will, in effect it will consist of three parts, cavalry, infantry, and artillery, and of nothing else.—I agree with you in your dislike of the discourses in Francis street. After people have taken your tests, prescribed by yourselves, as proofs of their allegiance, to be marked as enemies, traitors, or at best as suspected and dangerous persons, we are not to be surprised if they fall into a passion, and talk, as men in a passion do, intemperately and idly.—Indeed, my Dear Sir, there is not a single particular in the Francis-street declamations which has not, to your and my certain knowledge, been taught by the jealous ascendants, sometimes by doctrines, sometimes by example, always by provocation. It gave me no pleasure to hear of the dissolution of the committee. There were in it a majority, to my knowledge, of very sober well-intentioned men; and there were none in it but such, who if not continually goaded and irritated, might be made useful to the tranquillity of the country."

These are the sentiments of Mr. Burke in respect to the management of popular ill humours, and the treatment of popular wrongs, and hence we see that he considered the Catholic Convention of delegates of 1793, holding their meetings in Francis-street, as a safe and useful Association.—I will now refer to the opinion of Mr. Grattan, whose authority on constitutional and on Irish questions, no one will dispute. In the debate in the year 1811, on Mr. Pole's circular letter for putting down the Catholic board of that day, he delivered the following opinions: *—"It should be the care of the government not to perplex, diminish, or degrade the liberties and rights which the law had left to the Catholics. It ought to be a fundamental principle, that the communications between the Catholics and parliament should be free and unembarrassed. In his judgment, such popular meetings (of regularly elected delegates) so conducted, were not just cause of alarm. It was well that opportunities should exist for the mind of the people to evaporate. It was the undoubted privilege of the subject to be sometimes violent and clamorous in the maintenance of his rights."

I trust I may be allowed to say, after having laid this case, as to the principle and practice of delegation, before the House, that I have proved that the opinions of the right hon. gentleman and the opinions of others, that are now so much the fashion, about the constitutional character of the proceedings of the Association, are wholly devoid of any real authority. I trust I may be allowed to say, that the opinion that has been formed by the Irish government of the necessity of putting down the Association, is a hasty opinion; and that the nature and bearings of such a measure have not been sufficiently considered either in respect of past example, or of the probable consequences of it. I therefore earnestly call upon the right hon. gentleman opposite, to reflect once more upon the conduct of Mr. Pitt under similar circumstances, and to examine again whether the danger which is said to arise to the public interest from the existence of the Association, is really such a serious danger as it has been represented to be?

I will now go on to make some observations on what was said on the first day of the session, on the subject of the Association, by the right hon. the Secretary for foreign affairs. He said, that if it had

* See First Series of the present work, Vol. 19. p. 25.

not been for the Association, the administration of lord Wellesley would have been productive of the greatest benefits to Ireland. In this opinion I perfectly agree with the right hon. gentleman, I believe that lord Wellesley would have conferred very great advantages upon Ireland. But then I beg to ask, Whose fault is it that the Association has existed? Something more is to be said upon the matter, than merely to accuse the Association of the derangement of lord Wellesley's measures. But before I go further into this topic, I wish to draw a distinction, which I venture to say is a most material distinction to be made, between lord Wellesley and lord Wellesley's administration. In the customary way of speaking in this House about the government of Ireland, lord Wellesley is spoken of as if he was himself the whole government of Ireland, a sort of dictator; but nothing can be further from the truth than this way of regarding his public character. The government of Ireland consists of a cabinet of six persons, and that being the case, when I call to the notice of the House, that out of these six, four are directly opposed to lord Wellesley in their political opinions, it is not fair to hold lord Wellesley responsible for every thing done, or what is more in point, for every thing omitted to be done by the local government of Ireland. I have had the honour of having so many full and friendly conversations with lord Wellesley on the state of Irish affairs, that I am completely satisfied of his great anxiety to do every thing to appease animosities, and promote the general prosperity of Ireland that any one can desire to be done. But after the experience of three years, and upon the fullest consideration of all that has passed, I am certain that lord Wellesley is so unwisely fettered by the manner in which his cabinet is composed, that he cannot do what he may be disposed to do; and that, consequently, those benefits, which ought to have been the result of his going to Ireland, have failed to be realized. The expediency of a divided English cabinet is justified on the grounds, that there is a union of sentiment upon all the great questions affecting the interests of the empire, except that of Ireland. But it so happens, that in respect to the Irish cabinet, there can be but one question of any importance to be brought under its consideration, and that is, the precise question on which the division of opinion prevails, and therefore there is not the smallest pretext for continuing this absurd arrangement. Had not the hands of lord Wellesley been tied up in the way they have been, I am able to say, upon the authority of the most intelligent Catholics, that the Association never would have existed; for the Catholics have not been so unreasonable as to be disposed to quarrel with lord Wellesley, because the whole measure of Emancipation was not conceded. Their dissatisfaction is as much a matter of feeling as of interest, and they value attention to their feelings equally with measures conferring personal advantages upon them. It is this want of attention, even in small affairs, to their just pride and wounded dignity as men, which created that soreness and discontent and despair which directly occasioned the formation of the Association. But I am quite certain that the chief cause of the present embarrassing state of things would never have existed, had lord Wellesley been placed by the English cabinet in a situation to act upon his own unquestionable disposition to conciliate the Catholics. It was not until lord Wellesley had been in Ireland, for nearly a year and a half that the Association was formed. The Catholics waited to see what course in respect to their case, lord Wellesley's administration would adopt, but when they saw no acts of favour conferred upon them, and no effectual steps taken for putting down the Orange Associations, while the Orange party were daily attacking them in all directions, and throughout the north of Ireland were ill treating the peasantry, they felt the absolute necessity of forming their own association as a measure, first, of self defence, and secondly, as one required to promote their claims in parliament. The communications I have had with intelligent and temperate Catholics, enable me to assure the House that the Catholic body will never place any confidence in lord Wellesley's administration so long as he is associated with persons of opposite politics; and that they never will believe that there is any sincere intention to put down the Orange associations, so long as persons filling the offices in the Orange lodges are allowed to retain high offices under government.

I now come to the part of the case that relates to a remedy for these alarming proceedings of the Catholic Association. In the first place, I deny that the nature of the evil is correctly stated to the House. The evil is not association but

exclusion. It is the exclusion of th Catholics from their rights and privileges that is the cause of the existence of th Association; and the only true remedy is the unqualified repeal of the whol Catholic Penal Code. I cannot conceiv how the House can in common consist ency recommend any other remedy his majesty, after having in the yea 1821, when the whole case of the Catho lics was before the House, passed a bi towards accomplishing this repeal. Bu if the House shall think proper on thi occasion, to decline to propose the eman cipation of the Catholics, then I shal earnestly recommend the House to leave the Association alone. The inconveni ences which may attend this line of con duct, will be as nothing in comparison with those ruinous consequences that wil inevitably flow from a coercive measure to put down the Association. The proceedings of the Association have no real danger belonging to them. There is no treason or insurrection connected with them; there is no obstruction to govern ment, and no injury to any man either in person or property. The outcry is wholly artificial, and studiously kept up by the party who wish to stop the progress of emancipation. But even if the Association was, in reality, in every respect what it is represented to be; is it no reasonable to expect that it would now change its course of proceedings? As to Mr. O'Connell, who certainly directs it he is a man of talent and sense, and will not wantonly injure the interests of the body who place their confidence in him; with all his zeal in debate I know that he is ready to receive advice not only from Catholics but from Protestants; and he has substantially acted upon such advice. Besides, the circumstances under which the Catholic question now stands, are widely different from what they were even only a few months ago. The entire union of the Catholic body has been effected by the Association. But what is of still greater importance, the whole, incessant, and most scrutinising attention of the people of this country, has at last been brought to bear on this question. The public press is universally occupied with it; a great part is devoted to the emancipation of the Catholics; and although a very influential portion of it exercises great talent and perseverance, in endeavouring to run down the Catholics and their religion, even this does good, because it keeps up the consequence of the struggle, and promotes examination, and the learning of the true merits of the case. The Association will feel, what I myself most strongly feel, that as all this discussion must end in making the Catholic question fully understood in England, it will insure the success of the Catholic cause; and therefore, I entertain no doubt whatever, that if the Association is left to itself, it will change its conduct, with the change of circumstances that has occurred; and discontinue some of those proceedings which it adopted, as necessary to force the attention of the people of England to their

On the other hand, if the bill pass into a law, what will be the consequences? The right hon. the chief secretary of Ireland has told us his bill is to be only temporary. I think he takes upon himself to engage for what he is very little able to perform. Will the conduct of the Catholics suffer this bill to be a temporary one? will they not, in the struggle to gain their rights, do something or other, which will induce the right hon. gentleman, to come down to the House, and call upon it, to renew his measure? The whole case of the right hon. gentleman, in respect to this remedy, rests upon the supposition that this measure will be followed by submission on the part of the Catholics; that they will rest perfectly satisfied at being prohibited to associate in the way they think proper for obtaining redress of their grievances. This appears to be a very vain calculation; for a time, the Catholics will probably submit; but whosoever knows any thing correctly concerning the present state of the Catholic mind, will agree with me in saying that they will again, and before long, come forward with even more resolute demands for concession to their claims. If honourable members judge of the present state of Catholic feeling from what it was only a few years ago, they will form very erroneous conclusions upon the probable future conduct of the Catholics. Heretofore the effects of poverty and slavery arising out of the old penal laws, were to enfeeble the spirit and feeling of the Catholic body; but these have been gradually wearing out; and the particular attention of the House should be given to a fact of the greatest importance in the present discussion, which is this, that in the course of the two last years a greater change of public feeling has taken place among

the Catholics than perhaps ever took place in the same period of time among any people. This fact I will not rest merely upon my own assertion; but I will explain and account for it to the House by shortly reciting the causes of this change.

In the first place, the progress of wealth and education has led to a great extent of intelligence, and made the Catholics more accurately acquainted with the grievances they labour under, and they now know their own members by a regular census. But the circumstance which has produced the greatest effect, and has done the greatest mischief, is the celebrated, but most injudicious charge, of the archbishop of Dublin. It is quite inconceivable to what an extent this has excited soreness and passion among the whole Catholic body. It is to this that is wholly to be attributed the appearance of the bishops and priests as the warm supporters of the Association and the Catholic rent; their stirring in politics can be most accurately traced to this event. Many of the Catholic clergy who had never been active as politicians, but all their lives endeavouring to promote submission to the laws, from the moment that this charge appeared, have never ceased to resent the injustice done to themselves and their church; or to take those public measures which to them seemed best calculated to secure to themselves their proper rank in society, and to their religion the respect that is due to it. The undisguised efforts that have been made by powerful societies to establish an effectual system of proselytizing, have also had a great effect in drawing forth the Catholic clergy in defence of their religion; while controversial sermons preached weekly on Sundays in Dublin and in many parts of the country, with a view to expose the Catholic religion, have had their share in putting the Catholic clergy forward as the active parties in promoting political objects. The manner in which the petition to this House in 1823, was received and disposed of, produced the greatest dissatisfaction; the majority that appeared in favour of adjourning the debate was taken to be a majority against the petition; and a feeling of despair became very general of ever obtaining relief by application to parliament. This feeling was still further encreased and strengthened by the way in which the bill of last session, for the relief of the English Catholics, was rejected in the House of Lords. These are the grounds which exist to justify me in saying that a most extensive change has taken place in the Catholic mind of Ireland, and for also saying that no rational expectation can be formed, that the object of the right hon. gentleman in passing an act for putting down the Association will be obtained. I consider this measure to be the first of a career of measures that inevitably will end in general confusion and rebellion. As the Catholics will continue to labour under grievances, they will be induced to take such steps to give vent to their feelings, as will probably be an evasion of the new law. They will in all probability express their feelings with more violence than usual in consequence of being placed under greater restraints. The right hon. gentleman will then come down to the House with a new case of violation of the spirit of the constitution, and call upon the House for a new measure of coercion. This new measure of coercion will lead to new acts of evasion and violence on the part of the Catholics, until by new modes of evading the law, and new laws to coerce popular assemblies, the Catholics of Ireland will be trained on by degrees to involve themselves in open insurrection. The right hon. the secretary for foreign affairs, has a great deal more to say to this question as the foreign minister of the country, than he seems to be aware of. The union of these countries, up to this moment, exists only on paper; there is no cordial national union. Ireland is still in feeling and in fact a country foreign to England. The people form a clear notion of a distinct Irish nation and a distinct English nation: and I can assure the right hon. gentleman, that the moment this bill passes into a law, the people of Ireland will esteem it to be a belligerent act on the part of the English nation, against the Irish nation, and I fear it will puzzle the right hon. gentleman extremely after this once happens, to negociate a peace between the two countries. I am sensible in making these observations, I expose myself to the charge of using menace to enforce my arguments; but I shall not be deterred by any apprehension of this kind, for the truth cannot be told to the House without adopting the course I am now pursuing. I feel the conviction so strongly in my own mind, that the measure proposed to the House will be attended with pernicious consequences, that I

should betray my duty to the House, if I concealed from it the grounds on which that conviction has been formed; and therefore I shall go on, and explain the manner by which Ireland may, and I think will, become the scene of open rebellion. The population we know, from the census of 1821, was five years ago nearly seven millions: these millions do not live in villages, as the people of England do, perfectly obedient to the laws, under little other control than that of the parish constable; but they live hutted over the whole face of the country, free from almost all control and superintendence. These millions for the last thirty years, have been training from time to time, and from county to county, in all the practical courses of secret conspiracies and open insurrections! The sympathy of grievance and of religion, that is universal among them, forms a basis for carrying on, with effect, the most extensive schemes of popular organization. If any fixed determination to make a great popular effort should seize possession of their minds, in vain would the Catholic nobility, the Catholic lawyers, and even the Catholic clergy, exert their utmost endeavours to check them, and universal ruin and destruction must be the inevitable consequence of any such popular effort. But it is to take a superficial and erroneous view of the case, to argue it upon the actual existence of seven millions of people in Ireland. These millions are daily and rapidly increasing in numbers, probably at the rate of doubling in twenty-five or thirty years. In 1765 the population of Ireland may be taken at two millions, in 1795* it was four millions, and at this day, 1825, it cannot be less than eight millions.

There is no doubt that the census of 1821 was under the actual numbers. Every instance of an actual enumeration that has since taken place in any parish, has proved this to be the case. But even if the number were in 1821 only seven millions, the rate of annual increase on this number will, by the regular calculations in use on these subjects, make the population to be nearly eight millions. In America it has been ascertained beyond a doubt, by a series of censuses, that the population doubles in twenty-five years, and to judge from all appearances, and from the known progress it has made, it may be assumed that in Ireland it doubles in something about the same time. The existing eight millions in Ireland, at this rate of increase, will soon become ten, twelve, fourteen millions, growing up alongside of the population of England of fourteen millions, which increases only at a rate of doubling in fifty-one years. I submit therefore, to the House, whether these are not plain indisputable facts, that shew beyond all manner of doubt, the absolute necessity of attaching the people of Ireland to the government and laws of England, and, once for all, establishing on sound principles, a real union between the two countries. When I state to the House so strong an opinion of the danger of rebellion in Ireland I know I state only what is the current opinion of the best informed resident gentlemen of Ireland; it is no idle fancy of my own; I have been led to examine the question seriously and most deliberately, by finding when lately in Ireland, the conversation of all private society dwelling so much upon it. What happened in the year 1641 is constantly spoken of; comparisons are frequently drawn between the present state of the country, and the state of it immediately previous to the breaking out of the great rebellion of that year; and it has therefore become my duty as a representative of Ireland, to communicate to the House, the information that I have had the means of collecting, and my decided opinion upon it.

In the course of these discussions, the House has been told, that no increase of the army is necessary for Ireland. But the right hon. the chief secretary of Ireland will not say that this is the opinion of the members for Ireland. When lately there, I invariably found that the demand made upon government consisted of two parts, the first to put down the Association, the second to double the army. I venture to say, without any fear of being contradicted by any Irish member, that there is no second opinion in Ireland, in respect of the absolute necessity of doubling the army, if the Association is put down.

I have now gone through all the leading topics which belong to this case, and I feel, with some degree of confidence, that I have succeeded in refuting many of the arguments which have been urged by the right hon. the chief secretary of Ireland. I have shewn that the law proceedings

* See Population Returns, printed session 1824, p. 7.

which the Catholic Association have carried on, have been completely justified by the circumstances of each case, and that the conduct of the Catholic barristers who have conducted them has been most praiseworthy. I have shewn that the right hon. gentleman committed many errors in the statement he made about the mode of collecting the Catholic rent, and the objects for which it was collected. I have shewn that every thing he has advanced in respect to the Catholic convention of 1793, and the Convention act of 1793, is quite contrary to historical facts. I have accounted for the alarms that existed at the end of last year, by shewing what the proceedings were of the Bible and Hibernian School Societies. If other honourable members will exert themselves, and make full use of the powers they possess, according to the forms of the House, to expose the true character of the proposed bill, I cannot help entertaining a strong hope, that it will never pass into a law. For every hour that shall pass away, and every speech that shall be made, will serve more and more to shew how utterly impolitic it is to interfere with the Catholic Association. I conclude, by again stating to the House, that this measure will be considered by the people of Ireland as an act of aggression. That it must lead to a succession of new violences and new measures of coercion, and that there can be no other termination to its destructive operation but insurrection and rebellion.

Mr. *Leslie Foster* said, he was anxious to avail himself of the earliest opportunity of expressing his opinion as to the conduct of an Association, which was at that moment exercising all the functions of parliament in Ireland [cries of "No, no"]. The House would see presently how that question stood. The members of the Association, had, he would admit, avoided the form, but they had secured all the reality of representation. They differed from other delegated bodies in this respect—that they inspired sentiments in those whom they represented, which were reflected back to themselves. They superadded to their legislative capacity the functions of the executive power, which were so wisely separated by the British constitution; and in this respect he agreed with an hon. member opposite, that they were unlike a regular parliament. It was true that they acted with an appearance of openness. They set apart one day in every week for open discussion; but the application of their immense pecuniary resources were settled by committees, whose proceedings were secret, whose debates were not reported, and who were in communication with large bodies of men in several parts of Ireland. The right hon. secretary for Ireland had detailed so many of the functions of parliament which they had assumed to themselves, that he felt it unnecessary to follow the same statement, in feebler terms, at that late hour of the night. But, the most alarming of all the powers they had assumed was that of taxation. As to its being voluntary, though the Association asserted that to be the case themselves, and though there were many who entertained the same opinion, he could not consider it in that light altogether. As far as he was informed, the proposal of the rent was received with great coldness in the first instance, by the peasantry, to whom it was proposed; but when the ministers of their religion gave them to understand, that some undefined benefit would result to the Catholic church from the levy, that unwillingness was overcome. What was at first involuntary, became afterwards not only voluntary, but highly desirable. The resources of the Association became thus strengthened and extended from week to week. Was it, he would ask, right that chapels dedicated to divine worship should thus become the weekly theatre of political discussion, and that, too, of discussions having such an irritating and inflammatory tendency? It was well known that the moment the rent was paid, an undue degree of confidence was excited in those who paid it. They imagined that they had done something which was to produce for them the most important political consequences. But, the evil was increased by this—that in proportion as the confidence of the Catholics seemed to increase, the apprehensions of the Protestants increased in the same undue degree. The effect was not merely to create a union amongst Catholics, but to beget a disunion between them and all other religious persuasions. The moment the rent began to be collected in a particular district, adieu to all good feeling in that neighbourhood between the professors of the two religions. The House had heard of Orange societies, and he for one did not approve of their existence. One effect of the proceedings of the Catholic Association was to make the Catholics

believe, that in uniting they were only leagueing against men who were leagued against them. This, however erroneous in principle, and mischievous in practice, would not be unnatural where bodies of Orangemen were known to exist; but, what was the effect of the general doctrine among the peasantry, in districts where Orange societies were scarcely known? It was well understood that the Orange societies were, for the greater part, confined to the north of Ireland. In the south they were little known, but the peasant who got access to the speeches of the Catholic Association, was led to impute to nearly the whole body of the Protestant clergy and magistracy, the self-same conduct which was condemned in the Orangemen; so that, in fact, to be a Protestant, was enough to have the party looked upon as an Orangeman. He would ask, whether it was right that an assembly should be suffered to exist, which, in its general conduct, and in the ordinary tone of its speakers, represented the whole Protestant population of Ireland as having hostile feelings towards their Catholic countrymen? One effect of such a body was, that while it contributed to unite the Catholics on one side, it tended also to the creation of opposite parties on the other. Was such a formation of parties, however much it might be deplored, at all surprising? He would mention one fact as illustrative of this feeling in Ireland; and it was a fact to which many members in that House could bear testimony. So lately as Christmas last, a report had been circulated of some plan on the part of the Catholics hostile to the safety of the Protestant population [hear, hear!]. He would admit that the report was wholly unfounded; but still it showed the ferment, and the state of irritation, into which the public mind was thrown by the proceedings of the Association. In a few days after the address of the Catholic Association was published, a rumour was spread, and generally believed, that some personal mischief was intended on a particular day against the Protestants; and, to such an extent did this belief prevail, that in several districts the whole of the Protestant male population remained up on the night in question, with arms in their hands, and those arms loaded. Was this a state of things which should be suffered to continue? Let the House only suppose, that on the night in question a cottage had accidentally got on fire, what an effect might it not have produced? Might not a whole county be committed by the acts of one party, in what they would consider retaliation for a supposed attack on themselves? Yet, such might be no very improbable consequence of the present state of feeling in Ireland, where the character of an Orangeman was so undefined, or, rather, where it was so defined, as to be made applicable to a very large portion of the community. It was surely right to put an end to a system, under which the name of Orangeman, a name odious in that country, might be applied to any one, to himself, who was no Orangeman, amongst others, with a settled design of promoting hostility between the two great classes of the Irish community, which created hatred upon both sides, which awakened in one party an unfounded and artificial confidence, leading them to look forward to expectations that could never be realized, and in the other, as unfounded apprehensions. The feeling with which the great bulk of the population contributed their portion to the rent, was another matter worthy of consideration. It was, that the money so applied would be productive of great spiritual advantage to their church. It was this which produced the readiness to assist with their contributions, and which created that extensive confidence in those to whom they trusted the application of the money. In what manner were the Catholic clergy of Ireland supported? It was known that they were paid by the voluntary contributions of the great mass of the people: and that the amount thus paid was not less than 200,000*l.* a-year. It was contributed in small portions, and no doubt from religious feelings. Acting upon this knowledge, the Association had determined to apply to the same persons, who were contributing to the support of their clergy, for money to advance their own projects. He would ask the House to reflect for a moment upon the alarming importance of such a proceeding. If those persons only added twenty-five per cent to their contributions for ecclesiastical purposes, they would have 50,000*l.* a-year applicable to political objects. Was it right that so large a sum should be applied to such a purpose? Could such collections be called in strictness voluntary contributions? For the purposes to which the money was to be applied, it was almost immaterial whether the collection was voluntary or otherwise; but

undoubtedly it would be a mere play upo words to call this a voluntary contribu tion.—He had said thus much of the effec of the Association upon the peasantry He would now say a word upon its con sequences to the upper and middle classe of society. With respect to them, ther appeared in the Association a bold spiri of penetration into the affairs of privat life, which, in matters of public discus sion, were usually spared, save only ii periods of revolution. The landed pro prietor who was believed to be hostile to the proceedings of the Association, wa held up to general odium in every one o his public and private relations—his conduct, whether as father to son, as landlord to tenant, as neighbour to neighbour or as host to guest. Inquiries were set on foot; rumours were adopted as evidence; some act of a reprehensible nature was selected, on the loosest authority and the individual was denounced as a person who had abused his station in society. Was not that an intolerable state for any country to remain in? Was it not a calamitous circumstance, for any private individual to be brought thus injuriously before the public, to be held up in such a country, and at such a moment of exasperated feeling, as a tyrant and an enemy to the people?—Another objection to the system was the influence assumed by the Association of acting as returning-officer of Ireland, and dictating to the people who should be returned, and who should not, at any election that might take place. It was an alarming thing for a body with 50,000*l.* a-year at their command, with religious opinions of the majority at their back, with a strong state of excitement to forward all their views—it was an alarming thing for such a body to assume to themselves the power of saying, this man shall be returned, and this man shall not. He remembered the outcry which was raised by some hon. gentleman opposite, against the Constitutional Association; but that body never pretended to such acts as those which the Catholic Association had adopted.—It was said that the Catholic Association had contributed materially to the present tranquillity of Ireland. He would confess that they had called upon the Catholics, in an address, to abstain from violent courses "until"—but that was an important until —until the question of the Catholic claims was decided in that House. But, though this address had had some effect in producing repose and silence, it was the silence of breathless expectation. He would leave it to the House to decide whether that was a sort of peace-making for which they ought to feel much obliged to the Association. It was one which generated a degree of heat and party-feeling not to be tolerated. Ireland, however, possessed at that moment, much better guarantees for her internal tranquillity. When they were all agreed as to the effect, it would not be amiss to inquire into the cause. The fact was, that since Ireland was a nation, her population never was more employed than at the present moment. It was unnecessary for him to go into details, but it was found that, in defiance of the menaces of captain Rock, British capital was daily infusing itself into that country; and the good effects of it were felt in every part of the island. These were seen not in one, but in many instances. It was only lately that many restrictions upon the trade of Ireland had been removed. With their removal her resources had increased. He would state a few facts to the House upon this point. Of all her rising manufactures, the most extensive was that of cotton. It was likely, in a few years, to equal the linen manufacture itself. It had been the former policy of this country to preserve to itself a monopoly of exports, shutting out Ireland from the market of the world; and it was not until 1822, that this system was changed with respect to cotton goods. The consequence was, as he should now state.—In 1821, not a yard of cotton was exported. In 1822, the first year in which the system was changed, 17,000 yards were exported; in 1823, 2,700,000; and in 1824, more than 6,000,000 yards. Such was he progress of their prosperity in one branch of trade. With respect to the inen manufacture, it was retiring from he north, and spreading over the south and west, where its benefits were strongly felt, and where it was daily increasing. n her distilleries, which afforded such a ent for the produce of her agriculture, here had been also a great improvement. Since the removal of the restrictions upon he export of Irish spirits, there had been n extraordinary increase in the quantity istilled. In a word, there never was a eriod when British capital was so generally and so successfully employed in that ountry. As to the periods of past disturbance, the troubles of 1822 were, in

fact, subsequent to, and consequent upon the famine of 1821; so that they could furnish no substantial argument against the generally improved condition of the country, arising from permanent sources. Another of the causes of her present tranquillity was the excellent system upon which her police was now established. But, a main cause of this growing prosperity was the tithes' commutation law, from which the greatest benefits had resulted, since it had removed from the collection of this ecclesiastical incumbrance much of the uncertainty and ill-feeling that formally attended it. Grateful as he felt for the tranquillity at present enjoyed by Ireland, he was not indisposed to give the Catholic Association due credit for having been instrumental, in some degree, to that tranquillity. To that extent he gave it due credit; but not beyond that: and he must be permitted to add, that it was the only power in that kingdom which was capable of interrupting the tranquillity for which he felt so grateful. He meant not to impute to it any design of the kind; but, if their power were allowed to go on increasing and uninterrupted, the tenure by which the government would hold that portion of the empire would be the caprice of the Catholic Association. The question still remained, however: if they put an end to this Association, would they thereby cure the evil they sought to remedy? In all times, almost, a duplicate of parliament, of some sort or other, seemed to have been a favourite scheme with the Irish. In the year 1782, when the Volunteer Association was organized in Ireland, they convened a national convention at Dungannon. Gentlemen would see, if they consulted the parliamentary papers of that period, that the people who then returned representatives to the assembly in question were among the most intelligent portion of the Irish population, who, with muskets in their hands, exercised this elective franchise. The parties they returned were, for the most part, their colonels and officers, and merchants and men of substance; and they spoke of their House of Commons, as if it was an assembly of venal and profligate members, who were bartering their votes, and selling the independence of their country [hear, hear!]. This convention, thus constituted and thus returned, excited at the time—and naturally excited—a considerable feeling of alarm in the government; and yet he would defy any body who heard him, to tell him what ultimately became of that convention. It subsided and disappeared, and no record of the immediate cause or manner of its disappearance was to be found. In 1793, a Convention was again summoned at Athlone; and though there was some question as to how far the Roman Catholics had been connected with the assembly at Dungannon, the Convention of Athlone was certainly of Protestant origin. In 1810, again, there was formed the celebrated Catholic Board. That was done away with after some state trials; but, in all these three instances, these assemblies had been reduced by the exertion of a proper and necessary firmness on the part of government. The learned gentleman concluded by recommending his majesty's government to encourage in every way the tranquillity that was springing up in Ireland. The House might conscientiously differ as to the best mode of treating this subject; but it was his firm persuasion, that if parliament would say to the people of Ireland; "We will protect you; we will take you out of the hands of the Association; we see the elements of peace in the country, they shall not be destroyed:" if parliament would hold this language, he was firmly persuaded, they would, at no very distant period, secure the permanent prosperity and tranquillity of that country.

Mr. *John Williams* said, he was convinced that, within his own moderate experience of parliament, there had never been a question of such vital importance to the Irish people, and indeed to the whole empire, as the present. And, if it had been necessary for those who thought with him to wait for the full development of the measure now proposed to the House—if it was not enough for them to know that the principle of that measure was vicious, and that no sort of composition or qualification could make amends for this defect in the principle of such a bill; it would certainly have been but reasonable for them to wait, and see whether the workmanship would surpass the material. But having recognised upon the face of the speeches which had been that evening made upon the subject, nothing which could warrant a hope of such a kind; and not anticipating (for nothing had occurred that could warrant him to anticipate) any good from the old system of new legislation on one side, to meet the violence offered on the other—(though he

by no means admitted the violence to have been threatened, even, in his case)—not expecting any good result from the adoption of such a system, instead of the adoption on the part of government of such measures as might remove the causes of complaint that unhappily existed in the system of Irish government; having, in short, heard nothing that afforded any prospect of composing and conciliating Ireland, he, and those who thought with him, felt it necessary to take an early and decisive step, even in this stage of the question. And first he would ask, on what ground—under what pretences—was this enactment brought before the House? What was the object of all those endless details which had been entered into by the right hon. and the hon. gentlemen, with respect to the supposed excesses of the Roman Catholic Association? Upon what principle did those gentlemen call on the House to legislate upon this occasion? For, admitting—an admission that in the teeth of the speech of an hon. friend near him, he had no right to make—the tendency of this Association to those violent excesses that were imputed to it—to what did all the arguments of honourable gentlemen opposite tend? Whence did the excesses consequent on the disappointment of the Catholics arise, supposing those excesses to have been committed? Was there nothing to account for the severity of that disappointment? Had no expectations been held out to them? Was the promise, of which they claimed the fulfilment, a new one? Had the House of Commons never encouraged them by the result of its own votes to expect the boon they asked for? Was the grant of that boon never held out to them, even by the cabinet? Or had no portion of his majesty's ministers encouraged their hopes? Was it to be expected that men would, without a murmur, abide the cruel disappointment of those hopes, when that which was withheld from them had been, as it were, within their grasp; but when they who had once been their best friends turned round upon them, the very first time that their conduct was found out to have been not quite so strictly correct and proper as it ought to have been, and turned round, too—in a manner, somewhat equivocal he must say—to appeal for a justification of their altered sentiments to a feeling supposed to be cherished in Ireland—the existence of which feeling he strenuously, however, denied—and which feeling the good sense of that House might at any time put down, without resorting to measures of so dangerous and reprehensible a kind as that which was now proposed? At all events, it was a feeling that must have been conjured up, only by this particular crisis, and would not be found to have any permanent existence in the country. But, was it right to take advantage of it, if it had been thus excited, to turn round upon the Catholic Association, and to treat them as ancient delinquents in the cause? The course that he was now taking, the conduct he was now recommending, he could illustrate and embellish by much greater and higher authority than any reasoning which he (Mr. W.) could bring to the subject; and that authority was furnished on no very distant occasion. The distinguished individual he was now alluding to, in that instance (a discussion happening in the year 1813), when also there was alleged discontent on the part of the Catholics,—when also "particular circumstances" existed (to use a phrase that was at all times employed, whenever it was wished to escape from a salutary measure),—when, also, there was a threatening appearance about the condition of Ireland—after noticing that it was harsh and uncharitable to notice the conduct of the Roman Catholics under their disappointments with too much nicety or rigour, delivered this sentence:—"Sir, it appears to me most unfair to visit on the Roman Catholics the opinions and the conduct of such public assemblies as profess to act for them" [hear, from Mr. Canning]. He rejoiced to hear that cheer from the right hon. gentleman; for he rejoiced in supposing that the right hon. gentleman came into this opinion of his right hon. and learned friend (Mr. Plunkett) on the present occasion. He hoped that the House would find by his speech of that night, that they should have the accession of his powerful support to the other opinions which he (Mr. W.) was now about to cite from the same eloquent authority. The speech went on thus:—"If they labour under a real and a continued grievance, and one which justifies, on their part, a continued claim, they must act through the medium of popular assemblies, and must of course be exposed to all the inconveniences which attend discussion in such assemblies. In all such places, we know that unbounded applause attends the man who occupies the extreme

positions of opinion, and that the extravagance of his expression of such opinion, will not be calculated to diminish it. That there may be many individuals anxious to promote their own consequence, at the expense of the party whose interests they profess to advocate, is an evil inseparable from such a state of things; and amongst those who sincerely wish to promote the interests of the cause, much may fairly be attributed to the heat naturally generated by long-continued opposition; much to the effects of disappointed hope; much to the resentment excited and justified by insolent and virulent opposition. But, Sir, I should unworthily shrink from my duty, if I were not to avow my opinion, that the unfortunate state of the public mind in Ireland is, above all things, imputable to the conduct of the government." Now, what was the conduct of the government in that particular? The holding out delusive hopes that were not meant to be realized, and giving it to be understood, that they considered the question of Catholic emancipation to be really a vital question, affecting the best interests of the empire; demonstrating, apparently, this conviction from time to time, by majorities of that House; and at the same time not carrying the measure distinctly to its end; but, on the contrary, when some opportunity had been offered by the resentment of the parties who were smarting and suffering under the delay of justice, severely visiting them for their irritation. They said to the Catholics, "Your conduct should have been more peaceable—more circumspect." Whether this forbearance was in man—whether it was naturally to be expected under such circumstances, he (Mr. W.) would not stop to inquire; but, in point of fact, this was very like saying to the Irish Catholics, "If you are not more than men in your conduct, we will not help you?" For parliament to be hesitating and dividing upon the only question that affected any portion of the present peace and happiness of the empire—to be from time to time exciting expectations from one side of the cabinet, and daunting them from the other, was neither more nor less than to deceive them by holding out delusive hopes, the disappointment of which must excite their discontent, unless they were gifted with feelings superior to those of ordinary men. Still further to support his own argument, he had been diligent to fortify himself, by collecting the opinions of great men who had gone before them, some of whom might even then be present to hear their own speeches cited; and if they were, they could hear none better. The right hon. and learned Attorney-General for Ireland, would be immediately recognized in the observations he was about to read. Those observations had been made by him, when speaking on that precise subject which afforded the only shadow of a shade that could operate as a reason for this interference on the part of the right hon. gentleman (Mr. Goulburn)—he meant the supposed spirit of discontent that the Catholic Association would have a tendency, as it was said, to foster. The passage in question was this:—"Sir, I must say that Ireland has not been fairly dealt with. It is the bounden duty of the government to make up their minds, and to act a consistent part. If this measure be utterly inadmissible, expectation should be put down by the certainty of rejection; resentment should be allayed by the clear exposition of the necessity which bars; the fever of the public mind should be subdued, and all the means of conciliation, consistent with such a system, should be resorted to. If, on the other hand, this claim may and ought to be acted on, it should be frankly received, and honestly forwarded; every facility for its accomplishment should be afforded, by tempering and directing the proceedings of those who seek it; by suggesting the conditions and terms on which it should be granted; and by arranging the details, as well as by planning the outlines of such a system. But, how can any honest mind be reconciled to the ambiguity in which the cabinet has concealed itself from public view on this great national question; or with what justice can they complain of the madness which grows out of this fever of their own creating? This is not one of those questions which may be left to time and chance; the exclusion of millions from the rights of citizenship is either a flagrant injustice, or its necessity springs out of the sacred fountains of the constitution. This is no subject of compromise. Either the claim is forbidden by some imperious principle too sacred to be tampered with, or it is enjoined by a law of reason and justice, which it is oppression to resist. In ordinary cases it sounds well to say that a question is left to the unbiassed sense of parliament and people; but, that a measure of vital importance, and which has,

been again and again discussed by all his majesty's ministers, should be left to work its own course, and suffered to drift along the tide of parliamentary or popular opinion, seems difficult to understand—that government should be mere spectators of such a process is novel; but, when it is known that they have all considered it deeply, and formed their opinions decidedly in direct opposition to each other, that after this they should consult in the same cabinet, and sit on the same bench, professing a decided opinion in point of theory, and a strict neutrality in point of practice—that on this most angry of all questions, they should suffer the population of the country to be committed in mutual hostility, and convulsed with mutual rancour, aggravated by the uncertainty of the event, producing, on the one side, all the fury of disappointed hope, on the other side malignity and hatred, from the apprehension that the measure may be carried, and insolence from every circumstance, public, or private, which tends to disappoint or to postpone it; one-half of the king's ministers encouraging them to seek, without enabling them to obtain—the other half sub divided; some holding out an ambiguous hope, others announcing a never-ending despair. I ask, is this a state in which the government of the country has a right to leave it?" [Loud cheers]. If he (Mr. W.) were called upon to answer this grave question, he should answer "No." He should say, that to waste any longer portion of time in dividing and cavilling on the only point that could seriously affect the present peace of the country, would be to surrender the best interests of the country. That delay was one cause—indeed the only cause—of the excitement of public feeling in Ireland; if such excitement existed. But, as long as this sort of hesitation and reluctance was to prevail, what was to be expected in Ireland but that fever, that sort of heart-burning, to which the right hon. gentleman had alluded? What was to be the consequence of this measure? Did ministers imagine that if by means of it they could succeed in putting down the Roman Catholic Association, they would succeed in putting down all other organs of complaint? No. A remedy for the grievances of Ireland must be given—a radical cure for her disease must be furnished. Never let it be supposed, that if this bill should pass (which God avert!) it would ever be of any use in the kingdom of Ireland. To give it any effect, force—military force—must be employed. And upon this single principle, the proposed enlargement of our army was intelligible enough [hear, hear]. If this was not to be the case, why then it would remain on the Statute-book as one additional penal law against Ireland; and it must prove a mere brutum fulmen. He was not a little surprised, when the hon. and learned member (Mr. Foster) was tracing the Irish history, that he should have omitted the remarkable peculiarity that, on all occasions, public peace had attended concessions, and violence followed oppression. He would remind the hon. and learned gentleman, that in the year 1777, when the French fleet stood in the Channel, the Irish made a demand for help. The English government said, "We cannot help you, but we can give you an act of parliament;" and accordingly, an act of parliament was passed, which contains almost all the concessions made to the Catholics; and, so grateful was that grateful nation that, immediately after, 20,000 men were voted for the navy. But, that was not all. The volunteers of Ireland, 50,000 strong, assumed, in 1782, a truly-menacing aspect; for they deliberated with arms in their hands. Yet, the hon. member forgot what became of them. He would supply the information. The Irish volunteers were quieted by the recognition of the independence of the country. In 1783, these volunteers attempted to renew the Convention, and submitted to parliament a plan of reform; but the proposition was rejected, on the ground that it had originated elsewhere. Their claims were then silenced: they died on that very day, and never assembled after. Were ministers alone, of all men living, never to profit by experience? Reference had been made to Mr. Burke, and to his opinions; and the Stamp-act had been mentioned. He thought that a strong instance in his favour. When the Stamp-act was repealed, what was the consequence? Why, that order and tranquillity had followed in the train of conciliation as a matter of course. Why should Ireland be different in that respect from other countries? Was there any country, whose people were more grateful or more generous? He answered, no, there was none; and, if that answer was correct, why should they alone require penal enactments to govern them, instead of being ruled by mild and gentle mea-

sures? Why should not government take advantage of their kind and generous disposition as a people, and give them justice, and so disarm opposition? If any among them entertained hostile feelings towards the government, they would be disarmed when the cause of their complaints was taken away. His objection to the measure was preliminary, and he might say radical. He thought that to adopt it, was beginning at the wrong end, and that government did not so much want support as direction and reformation. They should act rightly, in order to obtain the welfare of the people; they should not pass penal enactments against the people, when conciliation would effect what penal enactments could never produce. He was persuaded that this was not the act of the monarch, who, when unfettered by his ministers, had shewn, with respect to another portion of his empire, that he was ready to do what was necessary for their benefit. The gentlemen who introduced this measure was incurring a heavy responsibility; the safety of the empire might depend upon it; the feelings and happiness of thousands were concerned in it; and he did think that, before it had been introduced, those gentlemen should have given it more consideration than they seemed to have bestowed upon the subject.

Mr. Secretary *Peel* rose to state a few of those grave considerations by which his vote of that night would be directed. He would first notice an argument that had been made use of, in the course of this discussion, by an hon. member, the effect of which, if it were well founded, would be to take away from government, or from parliament rather, all right of interference in the case of associations that might be deemed illegal. The hon. gentleman had expressly said, "he would not vindicate the acts of the Catholic Association; he thought them to be, in many respects, indefensible, and he could not stand forward as their advocate". But still that hon. gentleman conceived, that the hands of the House were tied up—that these people laboured under such a grievance, as took from the House all right of interference with their proceedings; those proceedings being admitted, by the hon. gentleman himself, to be indefensible. Why, if this were so, there was an end of all their deliberations in that House, on this or on any other subject. If that doctrine was to prevail, it must follow that the subjects of this country, if they should imagine themselves to be suffering under a grievance of this or any other kind, might resort to unconstitutional measures for their redress; which measures, however, parliament could not interpose to check, until those grievances should have been first removed. Now, he maintained, that from the moment parliament recognized such a doctrine as this, they would abdicate their legislative functions altogether. It seemed necessary to approach this argument in the first place, before he proceeded to any other observations; for if the principle were once accepted, where was its application to terminate? Where were these Associations to end? There were many persons who considered the representation of the people in parliament to be so bad and imperfect, that a large portion of the people were deprived of their rights. Now, that might be considered a grievance, and a grievance of a very heavy kind; and, if the argument he had alluded to was to be admitted, why might not the country expect an Association for the purpose of obtaining parliamentary reform [cries of hear, hear!]? What would be the consequence of such a system he knew not; but he called upon the hon. gentlemen, who expressed by their cheers their willingness to have such Associations, that if they admitted the principle in one case, they must expect Associations for the removal of every real or supposed grievance; and if parliament should afterwards think of putting an end to them, the answer would be, that the subjects of the country, and not its legislature, were the proper judges of those grievances, and of the propriety of the measures to be taken to redress them. That, however, was not his reading of the law. He conceived parliament to be the sole constitutional judge of these matters, and if the parliament thought a law ought to be continued, those who fancied themselves aggrieved by it must not resort to unconstitutional measures to procure its abolition. They might petition—they might represent their grievances to parliament, and their petitions and representations would be taken into consideration; but parliament would abandon its duty, if it allowed any body of men to act independently of its authority, and only according to their own free pleasures. He claimed the right of parliament to act as it should think fit, if it should deem the Catholic Association, or any other of the

same sort, at variance with the principles of the constitution.—He should consider this Association in two ways—as a political body, and as a body interfering with the administration of public justice. He should first consider it as a body interfering with the administration of public justice. In doing this he should follow the example of the hon. and learned member who spoke last, and should cite the authorities of eminent men—of men to whose opinions he should always pay respect, and whose sentiments, though expressed on another subject, applied with peculiar force to the present. He should first cite their opinions as referring to Associations, in the character of societies for the prosecution of offenders. These societies had lately been very much before the public, and had been the subject of considerable discussion in that House. To one especially he should refer. It was denominated by its own supporters, "the Constitutional Association;" but it was termed by the advocates of extreme decency and gentleness and moderation, both in act and language, on the other side of the House—"the Bridge-street Gang"[a laugh]. It would be no answer to him to say, that this society had not been suppressed by the government. Such an argument was at no time conclusive; but, in the present instance, if it should be used, it would be peculiarly inapplicable. At least, it would not have the smallest application to him. He was no member of the society—he had never lent the authority of his office to the society; but though he had done none of these things, yet, he must say, that he thought there was a marked distinction between the Constitutional and the Catholic Associations; and that every argument which had been considered applicable to the Constitutional Association would apply with tenfold force to the Catholic Association. But following the example of the hon. and learned gentleman, who had just resumed his seat, and wishing to embellish his speech by the eloquent opinions of greater men than himself—by the sentiments of greater authorities—to whom he should introduce, not merely general observations, but principles applicable to all times; and he should leave it to the House to say, whether they did not peculiarly apply to the present question. The first quotation would be from the hon. member who made the motion with respect to the Constitutional Association; and he need not hesitate to give that hon. gentleman's name; for it was one, dear, he was sure, to every friend of liberty, and one that he could not mention without that feeling of respect which was due to the private character and public consistency of a man from whose political opinions, however, and from the whole tenour almost of whose public life, he had the misfortune entirely to differ—he meant Mr. Whitbread [hear, hear]. The hon. member for Middlesex had said, when speaking of the Constitutional Association, that "he had always observed, even in the transactions of private life, that individuals acting collectively would openly avow proceedings which, in their individual character, they would have been ashamed to acknowledge. He did not pretend to any deep knowledge of the law, but he would contend that the Association was formed against the common law of the land, and in opposition to the act of Maintenance. That act was passed to prevent oppression; and he thought that subscribing to prosecute individuals at the suit of the king, came under the description of Maintenance, and within the contemplation of the act." * The hon. member for Middlesex was of opinion, therefore, that such societies were contrary to the act of Maintenance. He did not know whether the Roman Catholic Association of Ireland were aware of this act or not: but he contended, that if this doctrine was true, whatever might be the object of such a confederacy, it came within the meaning of that act; and that parliament was bound, at any rate, to provide a bill that should remedy such an evil. But, he would now resort to legal authorities, which on such a subject must be considered as entitled to greater weight than any others. From among the legal authorities, the opinion he should first cite was that of an erudite civilian. He did not mean, however, to confine himself to gentlemen learned in the civil law alone. He should take the opinions of men engaged in all the branches of the law, but should commence with the learned civilian, who, as a member of that House, had expressed his opinion on these Associations. That learned doctor (Lushington) had commented with great force on the difficulty which would be imposed upon persons, if they were maliciously

* See Vol. V. p. 1488 of the present series.

prosecuted, in afterwards obtaining compensation in damages for the injury they had sustained. Now, suppose the soldier, whose case had recently been mentioned, should commence an action for a malicious prosecution, would he not lie under those difficulties to which the learned civilian had referred? He afterwards said, that "if counter-associations should be resorted to, nothing but dissention and ill-will would be seen, instead of that peace and quiet to which the country was so anxiously looking." * Would not any person who heard these remarks, without the observations with which they had been introduced, suppose they had been made in the course of the present debate upon the Catholic Association? Certainly they would; and, in fact, nothing could be clearer than their application to this subject. He would now resort to the opinion of those who were distinguished ornaments of the profession of the common law. He would first of all take the opinion of an individual who now, with great credit to himself and benefit to the country, presided occasionally as a judge in one of our courts of justice. He alluded to the common serjeant (Mr. Denman). The opinion of that learned person was, that "the great objection to the Constitutional and all similar associations was, that they could not exist without becoming a seminary for spies and informers.". The case of the soldier which has just been alluded to by his right hon. friend, who had been proved innocent, not by the verdict of a jury merely, but by the unanimous decision of a bench of forty-three magistrates differing widely in religious and political sentiments, proved beyond dispute that the proceedings of the Catholic Association had given rise to an innumerable swarm of spies and informers. That soldier had nearly fallen a victim to the artifices of such miscreants; and thus experience proved, that when Associations were formed of such a nature as that whose demerits they were now considering, the prediction of the common serjeant must instantly be realised. The learned gentleman had gone on to say, that "as to the formation of a counter-association, nothing could be more injurious to the administration of public justice than for two parties to be constantly running a race with each other, endeavouring to pour their several friends into the jury-box, and thus to gain a triumph over the law." * Now, if all the Catholics of Ireland were subscribers to the Catholic Association, and if other Associations were to be formed to counteract its proceedings, there would undoubtedly be a constant endeavour, in both parties, to pour into the jury-box their several friends, and thus to obtain over the law that triumph which the common serjeant had so clearly predicted—he now approached the authority of the hon. and learned gentleman (Mr. Brougham) who was considered as the political leader of the other side of the House. His opinion was quite as strong as that of the other respectable authorities he had quoted; and was the more valuable as it furnished him with an answer to an objection which, in all probability, would that evening be produced. He had no doubt he should be followed in the debate by those who would ask him "how is it that you, who approved of the Constitutional Association, are now so eager to repress the Catholic Association?" The first answer he would give to that question would be this—"the two associations are very different." He was sorry to be diverted from the point on which he had just been going to address the House, but he thought a fit opportunity was now offered to him of pointing out the broad distinction which existed between these two celebrated Associations. It might, perhaps, be only right in him to state, that he had never been either directly or indirectly a member of the Constitutional Association; and that he never would be a member of any such Association, unless that occurred, which he had no right, even for the sake of argument, to suppose would occur; namely, that government should obstinately refuse to the subject the protection it owed him. He never, he repeated it, would be a member of any Association which interfered with the functions of the executive government, and which volunteered the duties which the constitution appointed efficient and responsible officers to discharge. He would now repeat that these two Associations differed from each other, upon grounds which it was utterly impossible for any man of sense to confound. For instance, he thought that the Constitutional Association, supposing a murder to have been committed, would never have published an ex-parte state-

* See Vol. V. p. 1491.

* Ibid. p. 1493.

ment of the evidence by which it was to be proved; and sure he was, that they would never have got together a band of spies and informers to prove the commission of a murder which had never been committed. Yet, all this had been done under the influence of the Catholic Association. So that there was the widest distinction between the two societies; the one limiting its prosecutions to the case of blasphemous and seditious libels, and the other extending them to the highest offences known to the law—the neglect of magistrates to perform their duties, and the commission of crimes as atrocious as murder.—But to return to the opinion of the hon. and learned member for Winchelsea. That hon. and learned gentleman had said, that "in his opinion, a man might with perfect consistency approve of the other societies alluded to incidentally, and yet disapprove of that under the notice of the House; as the distinction between them was as clear as possible. Some offences were, and ought to be prosecuted, though many a man would feel a repugnance at having his name mentioned in the same line with such an offence, even as its prosecutor. The argument drawn from the societies to prosecute for thefts could not apply to the present Association. How was it possible that a man's feelings could be so interested in the case of a theft, as they would be upon a question purely political? Party feeling would interfere, and even the jury become contaminated with it, by the encouragement of such a society as this. The remedy proposed would be an aggravation of the mischief; for, as had been well-observed, it would lead to the pollution of the very fountain of justice." The hon. and learned gentleman had in these words expressly described the case of the Catholic Association. It prosecuted for offences which, in their nature, were purely political; and by so doing, tainted the administration of public justice. They took upon themselves legal functions—they sent agents into the country to prosecute for political offences, and from that moment they tainted the administration of justice. The hon. and learned gentleman then proceeded:—"The society was, in fact, evidently erected for party purposes—to punish libels on one side, and, if not to encourage, at least to leave untouched all those on the other. For these reasons, he considered it dangerous that such a society should exist; and if any thing could increase his abhorrence of it, it was the sort of defence by which it was endeavoured to be sustained."* With this language he fully concurred. If any thing could increase—he would not say his abhorrence, but—his alarm, at this Association, it was the ground upon which he had that night heard it defended. He was sure it would be gratifying to the friends of government, to hear such sound principles advocated by the other side of the House; especially as they were so strictly applicable to the Catholic Association [hear].—He should now advert to what had fallen from another hon. and learned gentleman on the other side, the member for Peterborough (Mr. Scarlett). That hon. and learned gentleman was one of the most distinguished ornaments of the court of King's-bench, and, from the rank he held in his profession, as well as from the respectability of his private character, was entitled to have the opinions which he stated in that House on points of law viewed with the most profound attention. The hon. and learned member for Peterborough went even further than any of his learned colleagues. He said, that "he could not concur with his hon. and learned friend in pronouncing this society to be legal: he thought it usurped the functions of the attorney-general, in whose hands prosecutions for political offences were vested by the government, and where he thought the discretion of instituting them would be exercised with more coolness than this society was likely to use on such subjects. Any set of men arrogating to themselves such a power of prosecuting for political offences, assumed an unconstitutional power, which he considered dangerous, and which he could not easily be persuaded was legal. He meant to pronounce no conclusive opinion until he had all the acts before him."† Having, then, these concurrent opinions from the other side of the House, that an Association founded upon such principles, though it perhaps might be legal, was at any rate unconstitutional; that its proceedings were not merely dangerous to the tranquillity of the country, but fatal to the impartial administration of justice—seeing that all the arguments which applied to the Constitutional Association applied with still greater force to the Catholic Association

* Ibid. p. 1496.
† Ibid. p. 1499.

—*had he not, he would ask, gone a great* way to prove that the House ought not to reject, he would not say the measure, but the consideration of a measure, which was calculated to apply a remedy to an evil of which he was sure that scarcely one man in ten would seriously deny the existence?—He was now discussing the operation of the Catholic Association, as it affected the administration of justice in Ireland; and he therefore called the attention of the House to what he deemed a most important consideration. He ought, perhaps, to have stated, that the discussion, in which the opinions which he had just read had been advanced by the hon. and learned gentlemen opposite, occurred previously to the discussion which afterwards took place in the court of King's-bench respecting the legality of the Constitutional Association. Now, let the House mark how that discussion bore upon the present question. In the year 1821, the present lord mayor of London was one of the sheriffs of London and Middlesex. A prosecution had been instituted by the Constitutional Association against Dolby, for editing a seditious or a blasphemous libel. The sheriff Mr. Garratt who had been a subscriber to that Association, had returned the panel from which the jury who were to try the indictment were to be chosen. A challenge was accordingly made to the array. It was objected to this challenge by the sheriff that he had withdrawn from the Association, and that he had publicly declared so in a letter he had written to its secretary at the time of his being elected sheriff. That was afterwards proved to be fact; and yet, notwithstanding, the Court held that he was disqualified from performing the duty of returning the jury. Nay more; in the course of the trial, a question was submitted to triers appointed by the Court; and on its being attempted to examine him as a witness, the Court ruled, that he could not be admitted as a witness because he was not unindifferent. Now, supposing Mr. Garratt had been in the situation of a grand juror, would not the same objection of unindifferency have also applied to him? He believed that a challenge against him on that ground would have held good; at any rate, it would have applied to him as a common juror, for the court of King's-bench, upon application being made to it, had ordered the attorney of the Association to afford the defendant a *list of its members, in order that all of* them who were returned upon the jury list might be struck out of it [hear, hear]. Now, he would call upon the House to apply this rule to the Catholic Association. Was not every Catholic who had subscribed even one farthing to this Association disqualified, on account of his unindifferency, from sitting as a juror on any prosecution which it might institute? Was not the very fact of his subscription a proof of his unindifferency? They had been told that evening, that every peasant in Ireland was a member of the Catholic Association. If this were so, was not justice likely to be tainted in its administration, when nearly every person who was qualified to sit upon a common jury was disqualified by his own act? Was not a system which gave rise to such inconvenience, neutralizing and rendering null the various benefits which parliament had recently conferred upon the Catholics of Ireland? Parliament had recently enabled them to act as jurors and grand jurors; and yet here was an act of their own body, which set them aside as jurors, if they had subscribed one farthing to the Catholic rent [hear!]. He knew not what answer could be given to this argument; but if it were well founded, it appeared to give to the House a decided right of interference on this most important and interesting subject. He called upon the House to consider the consequences to which a continuation of the present system was likely to lead in populous parts of the country, where the rent was regularly paid. Suppose an offence which involved a party question and enacted party animosity came on for trial, in what a situation would the Court be placed? How could a panel be formed of parties perfectly indifferent? Nay, the evil which he was now pointing out to their attention had actually occurred. His right hon. friend had detailed two instances: and the hon. baronet who had replied to him, thought that he had given his right hon. friend a very triumphant answer, when he had told him that they were but two. Now, his right hon. friend had mentioned these two instances, merely as a specimen of what was now going forward in Ireland: he did not say that he could not have furnished the House with two hundred similar instances. The objection was not to the evil in any particular case, but to the taint which it cast upon the administration of justice [hear,

hear]. The hon. baronet had also undertaken the defence of the Association against his right hon. friend, and in such a strain, that if there was any truth in his argument, the powers of the Association, instead of being diminished, ought to be increased. To show, however, the extent of the nuisance which this Association caused, he would read to the House an extract from one of the Irish newspapers which had last arrived. It appeared from it, that at a meeting of the Catholic Association on Wednesday last, a gentleman, to whom it had been referred, made a report on the case of John Cahill, and the rev. Allan Cavendish. He did not know whether he might be wrong or not in so doing, but he must ever protest against the principle on which these reports were made. This Association, be it known to the House, had appointed a committee to report upon the conduct of a magistrate, who, if the report were unfavourable, would afterwards be put upon his trial at its expense. Would any man rise in that House, be the conduct of Mr. Cavendish what it might, to vindicate the propriety of such a proceeding? Here was a body with large funds at its disposal, which it expended in instituting an inquiry previous to trial, and which brought in its report declaratory of the party's guilt or innocence, before it even placed him upon his trial. In the present instance, the committee had even done more than make a report declaring the guilt of Mr. Cavendish; for the conclusion it had come to was this—that a memorial should be presented to the lord-lieutenant on the subject of that gentleman's improper and illegal conduct. Nay, more. The gentleman who brought in the report actually moved, that the action in the case of Cahill should be defended at the expense of the Association, and also that a petition should be presented to parliament praying that Mr. Cavendish should be removed, as being an unfit person to act as magistrate. The Association, if its aim were justice, might at least have postponed the petition to parliament till after the conclusion of the judicial inquiry. But no—at the self same moment the associators published the memorial which they presented to the lord-lieutenant, and sent the magistrate to trial, not only with the disadvantage of a previous condemnation, but also with the disadvantage of having it known that a petition was to be presented to parliament against him, for what he had done as a magistrate. He had no means of knowing any thing of the merits of this transaction except from a letter of the earl of Donoughmore on the subject, which a gentleman had read to the Association. Here Mr. Peel read lord Donoughmore's letter, in which he declared, that as governor of the county he had examined into the charges made against Mr. Cavendish, and had found them groundless! that he had transmitted 14 folio pages of depositions which he had taken during the examination to the lord chancellor, who had not only acquitted Mr. Cavendish upon them of the charges adduced against him, but had also applauded his conduct on the very grounds intended to criminate him, and that he considered the further persecution of this excellent gentleman to be an act of oppression on the part of the Association. Now, when such was the opinion of a nobleman who had always been friendly to the Catholics, of the nature of their conduct, was it possible that the gentlemen of Ireland would undertake the duties of the magistracy, if they were to be liable to such attacks in the performance of them? For the vindication of the magistracy—for the maintenance of the laws—for the impartial administration of justice—he called upon the House to consider of the propriety of applying some remedy to that which he trusted he had now indisputably proved to be a most afflicting evil [loud cheers!].—He did not think it necessary to detain the House any further, with regard to the proceedings of the Catholic Association in corrupting the administration of justice. He would therefore next call to their recollection the political nature of this imposing body; and in doing so, he must beg their attention to a few facts. Here was a body which had now been in existence for more than a year, under the pretence of preparing a Catholic petition to parliament. That body imitated, or, he should rather say, travestied, all the proceedings of that House—a matter of little importance in itself, but which, combined with others, assumed a certain degree of consequence. It separated in summer as the House of Commons did. It met again in the month of October. The hon. baronet had told them, that when he was in Ireland in September, he found the country perfectly tranquil; but he had forgotten to mention a slight fact that was not, however, unim-

portant; namely, that the Catholic Association was not then sitting. The hon. baronet had likewise told them that he had returned to it in November, when he found the inhabitants arming in defence of their lives and property, and an alarm prevailing amongst all classes, which was evidently unfounded and exaggerated. The hon. baronet had here also forgot to mention another slight circumstance which was not wholly unimportant; namely, that on his return he found the Catholic Association sitting—that it had been sitting ever since the 16th of October—and that its schemes, which had then been six weeks in operation, had produced all the alarm which the hon. baronet had so strongly deprecated. The hon. baronet, however, had disregarded this cause of the alarm which agitated Ireland from its inmost centre, and had attributed it to another, which was perfectly ridiculous—the presence of the Bible missionaries in Ireland. The strange notion which the hon. baronet had formed upon this subject, recalled forcibly to his mind a fable of very ancient date, though of uncertain origin. In this fable it was represented, that a great pestilence had fallen on the beasts, and that they had a congress, or perhaps an association, to deliberate into the cause of it. The lion, the tiger, and the other animals who delighted in blood, all asserted that they could have nothing to do with the cause of it; but having discovered that an ass had eaten of a thistle on the Sabbath, they agreed, with the utmost unanimity, that the ass must have been the animal that had called down the anger of Heaven, and therefore sacrificed him to appease its vengeance. The hon. baronet reminded him strongly of this fable of the ass, when he attributed the alarm of Ireland to the missionary wanderings of captain Gordon and Mr. Noel [a laugh!]. Did the hon. baronet recollect that at that very time the Association had published the address which had since been so often quoted? Could he find nothing in that address more alarming than the presence of captain Gordon? Could he find nothing in it to excite alarm in the breast of every Protestant, when he found the Catholics adjured to unanimity by their hatred to Orangemen? Could that phrase of Orangemen be confined to the mere illegal associations which were so called, or was it not as notorious as the sun at noon-day, that by it all the Protestants of Ireland were designated? When such phrases were used, was there not a cause for the alarm which existed very naturally, though in a very exaggerated degree, throughout the whole of Ireland? This body, he also begged the House to observe, had a complete organization throughout the country. He did not mean to say that this organization was for the purposes of mischief; but this he had a right to say—that it was calculated to excite suspicion. The spirit of our constitution was founded upon suspicion; and he had a right to assume it likely that this body, though it might not intend evil at present, might be turned to it at some future period. This body had its agent in every parish, and its correspondent in every town. Their intentions might be good, but with such machinery, how easily might they be converted into a political engine of the greatest mischief? The hon. baronet had told them, that all their precautions to put it down would be unavailing. He had said, "Abstain from all legislative measures: this nuisance, if nuisance it be, will speedily abate of itself. I have the authority of a Catholic clergyman high in their confidence to say that they only want to raise a small sum in order to give a contradiction to some taunt of lord Liverpool." He did not know whether the hon. baronet, though he repeated, believed the story of his informant: but, at any rate, he must remind the hon. baronet, that it was directly in the teeth of the proclamation published by the Association itself. In that proclamation they declared it to be their intention to raise 40,000*l.* or 50,000*l.* a year. Of this sum 5,000*l.* was to be employed in controlling or enlightening, as they called it, the public press of England. Another 5,000*l.*, and they were very liberal in their votes, was to be applied to the preparing petitions to parliament. Now, he hoped that the subscribers would demand a rigorous account of the expenditure of this money; for they ought to be informed, that petitions to parliament cost nothing but the parchment on which they were written, and could be transmitted free of expense to any member whom they selected to present them. Then, part of it was to be expended in paying an agent in England. Another 5,000*l.* in sending priests to North America, and another 5,000*l.* for the conversion of their haughty and heretical neighbours in England. If the contribution of one farthing a-piece from

each Catholic in Ireland enabled the Association to raise such large sums, surely there was ground enough laid for the interference of the House. Was it not a fit subject for its jealousy, when it was found that it had instituted committees of finance, of grievance, and of education? The assumption of such powers was, in his opinion, inconsistent with public liberty, and ought therefore to be put down without delay. The House was accustomed to admire the popular part of our constitution; and justly, for the checks by which it was guarded were extremely wise. It held its deliberations under the will of the Crown, which could be suspended by it at any moment. No such check existed upon the Catholic Association; which held its meetings in no definite place, and was free from all control as to their time or duration. The House never instituted a criminal prosecution without great precaution, and always with and by the consent of the Crown, to which it previously sent an Address. The House, too, always guarded against bearing down an individual by its weight: but, no such scruple existed in the members of the Catholic Association; it was under no control as to the prosecutions it instituted, and even went deliberately to create prejudices against the accused, by distributing ex-parte statements of the evidence to be produced against him. In that House they were not accustomed to vote away money to individuals, without a committee being appointed to examine into his claims to remuneration. The Catholic Association, on the contrary, voted away money at will, without any restrictions, and thus arrogated to itself powers which were possessed by no other body in the country. What would be the consequence of establishing the principles on which it was founded?—the establishment of counter-associations in all directions, by individuals for their own protection. The country would, in consequence, be filled with dismay, confusion, and anarchy; for if parliament would not provide protection for individuals, it might be taken as a certain truth, that individuals would very soon provide it for themselves. It appeared therefore to him, both with reference to the political mischief and the corruption in the administration of justice which this association was calculated to create, that the House was bound to apply the remedy which his right hon. friend had that evening proposed. He had too good an idea of the supremacy of the British parliament to think, that it would require the triple military force predicted by the hon. baronet to carry it into effect. He had too good an idea of his Roman Catholic fellow-subjects to think that they would place themselves, on account of it, in opposition and defiance to the government; but, be that as it might, he considered that sufficient had been shown to justify that government in applying the remedy which his right hon. friend had pointed out to it.

Mr. *Denman* rose amid loud cries of "Adjourn." After apologizing for presenting himself to the notice of the House at that late hour, he said that he had been so far misled by vanity as to suppose, that the argument which ministers attempted to derive from the Constitutional Association had been completely disposed of on a former evening. As that argument, however, had now made its second appearance, he would promise, if he was not able to give it two or three more decisive answers, to give his vote for the right hon. gentleman's proposition; which he conceived to be full of danger to the country, and to be such as would cover the House with disgrace, if it obtained its sanction. The right hon. gentleman had referred, and with great kindness, to the manner in which he (Mr. Denman) had expressed himself three years ago on the Constitutional Association. At that time the Constitutional Association had been three years in existence, and its proceedings and actions were well known to the public. Did that Association meet to repel attacks made on itself? or to complain of the unequal administration of justice among its own members? or to volunteer the office of attorney-general, and undertake the prosecution of various state offences? On the contrary they acted as if the attorney-general was either blind, or negligent of, or inadequate to his duty; and thinking themselves very superior persons, when, in point of fact, they were very inferior ones, instituted a series of jobs, which they called prosecutions against individuals for offences, for which, if they had been guilty, they ought to have been attacked by the attorney-general with ex-officio informations. The Catholic Association, on the contrary, subscribed only to prosecute those who had injured Catholics, and to repel aggressions under which, he trusted,

no class of the king's subjects would ever rest quiet. They were aggrieved by degrading laws and unjust exclusions, and in consequence were treated with a degree of partiality by the magistracy of Ireland which was hardly credible in this country. They had therefore subscribed to repel injury and to organize a system of mutual defence. The Constitutional Association existed for no such purpose; for it prosecuted state offences, and was always engaged in attack, never in defence. It was not clear to him that the Catholic Association had ever prosecuted any offences which were in their nature strictly political. There was one particular case of libel upon themselves. He alluded to the "Courier," which had inserted a paragraph alleged to be libellous on the Catholic College of Maynooth. [Loud cries of "hear" from the ministerial benches.] He asserted, that if it was a libel at all, it was a libel on themselves. [cries of "No", from the ministerial benches.] The right hon. gentleman had shown that night much of the subtlety of a lawyer; but he must be more subtile than the most subtile lawyer, if he could convince him, that a libel on the College of Maynooth, which afforded instructors to all the Catholic body, was not a libel upon themselves. Was the conduct of the Catholic Association in instituting that prosecution at all like that of the Constitutional Association? Quite the reverse. The latter association brought prosecutions against individuals for libels which, but for their interference, would have died a natural death within a few short hours of their issuing from the press, and which he thought the attorney-general had acted wisely in leaving in their own filthy and degrading obscurity. Such being the objects of the Constitutional Association, what was the remedy that the hon. member for Middlesex proposed to apply to it? Did he propose the introduction of a new law? No. He said, "Here is an outrage on the law—let us have the law enforced, to put a stop to it." That was the language of a wise and prudent statesman. Nothing was so wise as occasional legislation; nothing so poor as great legal wits exerting their ingenuity to put down every artifice by which their cobweb clauses might be defeated as soon as they were passed. The object of this bill, if it were successful, would be to drive those who now met openly and without disguise, into clubs, and cabals, and secret associations, which former bills had been enacted to put down. The right hon. gentleman had told them, that as the subscribers to the Constitutional Association had been disqualified to act as jurors in any prosecution instituted by it, so, too, were the subscribers to the Catholic Association. In that point of law the right hon. gentleman was perfectly right. The only good thing which occurred at that time respecting this Constitutional Association was, the publication of the names of its members; and when the name of one of them, the present Lord Mayor Garratt, was struck off the list of jurors to try a case in which the Association were the prosecutors. But it was said they knew nothing of the names of these contributors to the Catholic rent. Suppose they did—would that knowledge enable them to detect prejudiced persons, and disqualify them from sitting on particular juries, when the whole Catholic population must be considered as inflamed, and justly, on account of the bitter exclusions to which they were exposed, and the general state of the penal code, which raised a wall against their possession of constitutional rights—a barrier which the wisdom of parliament ought long since to have removed, and which must be removed before the Catholic could be satisfied with his lot, or the peace of Ireland be put upon any secure basis?—It had been said that the Catholic Association had, in point of fact, fallen within the provisions of the Convention act, because of their delegation for conducting prosecutions. If such were the case, then, upon the same ground, the Constitutional Association had infringed the law; for they also had instituted prosecutions by a delegated body, and yet the government vindicated their proceedings although they superseded the functions of his majesty's attorney-general. The same bold attempt had been made to institute legal proceedings against supposed offenders, in the celebrated and most questionable circular-letter of lord Sidmouth to the magistrates throughout the country, in which he called upon them to arrest and hold to bail persons who were found vending supposed libels, or in other words, newspapers. These poor strolling venders were thus exposed, by high authorities in the state, to the vengeance of this self-constituted and miserable body, who usurped the office of public

prosecutor; and this arm of power was brought to bear upon the helpless, at the same moment that the foulest and filthiest class of libellers that ever disgraced the public press were encouraged in the "John Bull" to pursue their tainted course. Upon the occasion of the Constitutional Association, the lord chief justice of the King's-bench had laid it down as law, that it was competent for any body of men to prosecute offenders as they had done. Was not the same dictum applicable to the measures of the Catholic Association? How was the distinction, then, to be drawn between such societies as were legal in this sense, and the contrary? Had they not societies for the prosecution of swindlers; and, more particularly, had they not societies for the protection of religious liberty, formed by congregations of Dissenters, who co-operated to protect the law of toleration from being violated in their case, and which, at every assize, were found conducting prosecutions for an obstruction of their right of worship, and carrying them on with the greatest moderation and the greatest propriety, and constantly raising money for defraying the necessary legal expenses of such proceedings? There was another society not of a dissimilar nature, of which he did not like to speak more particularly in the absence of the hon. member for Dover (Mr. Butterworth), whom he had lately seen dozing on the benches, and who had probably since retired elsewhere to enjoy a more comfortable repose. But they all knew what the Methodists had done, and the money they had raised by subscription, when in 1811, and 1812, lord Sidmouth wanted to limit, or qualify, the right of preaching in the Methodist congregation. And, were the Catholics alone to be denied the privilege of similar complaint? Had they no right to repel, by similar means, the aggressions upon their body? With the reference to the two cases which had been put forth of prosecutions instituted by the Catholic body, he was ready to justify both, and to show that, from first to last, the Catholics were justified in what they had done. In the case of the soldier, suppose they had been misled by false information—how was that to be known before the inquiry? Was it, prima facie, impossible to suppose that spies were abroad to delude the unwary? Had not miserable wretches fallen victims to similar espionage in this country? Why were the Catholics to be refused the supposition, that such plots were concocted to dupe them? But, what harm had the prosecution of the soldier effected? He was acquitted, it was true; nevertheless, it did not necessarily follow that he ought not to have been put on his trial. It was not correct to say, that the prosecutions of the Catholic Association interfered with the official duties of the attorney-general, for every body knew that that hon. and learned personage was often too much occupied with political matters and weighty business of state, to think of every particular case in which individuals might think a prosecution just and necessary. It was beneficial, therefore, both to the Attorney-general and to the country, to find that there were other means besides those of official lawyers to procure a redress of specific grievances, or an inquiry into the conduct of alleged offenders. He repeated, that it was open and honest for the Catholic Association to have prosecuted the soldier, and, as he was acquitted of the charge, the mischief, if any, must have been small. The other case, that of the supposed murder of the Catholic by the Protestant, had not he thought been fairly stated; and there again he would ask, did not satisfaction, and not injury, follow that inquiry; and was not the party acquitted upon the evidence rendered by the prosecutors themselves? The same observation applied to the magistrates' case. Were the magistrates, upon complaint being made, to have a perpetual immunity, and to pass off without inquiry? He hoped not; and a recent case in the court of King's-bench had given, on the contrary, a salutary lesson. He would say, therefore, that in these cases, selected as matter of triumph by the gentlemen opposite, he thought that the Catholics had done what was right and proper. With reference to these prosecutions, they had been told that the newspapers in the interest of the Association had blazoned forth the imputed crimes before trial, and excited a strong and unjustifiable prejudice against the prisoners. Far be it from him to palliate such misconduct if true; for there was nothing more criminal and dangerous than to run down incarcerated individuals on the eve of their trials. If, however, any such practices had prevailed to any unbecoming extent, there were laws enough to punish the authors

of such injustice, without looking for fresh enactments. *There was no necessity for this*, or indeed for any other purpose which he had heard stated, connected with this subject, to call for a revision of the old Convention act; than which he believed there never had been a more unfortunate absurdity. What were its provisions? To put down all delegated bodies, except the House of Commons. Would it be believed that in this famous act there was a provision, excepting from the visit of the constable and the operation of his dispersing staff, the two Houses of parliament, the Houses of Convocation, and certain corporate offices? All these provisions protected the Irish parliament from the Convention act; but the British senate was not so exempted, and were, as the law stood, liable to be put down by the nearest constable. [A laugh]. And what was the effect of this wise and provident act of their ancestors—how short was the time between its enactment and the rebellion? The act had deprived the people of the natural vent for the statement and circulation of their grievances; and, what was the consequence? They met in secret clubs and dark cabals, and a dangerous political explosion was the consequence. An hon. friend of his had hinted, that the Irish House of Commons was notoriously exempted from the operation of the act, because it could in no case be said to have represented any part of the people of Ireland [hear, hear]. He hoped, however, that no such description would ever apply to the parliament of England, and that they would profit by the pregnant example of the sister kingdom, and avoid this precipitate and absurd system of legislation. If, however, the Catholic Association were put down, he hoped the members of it would, instead of expending 5,000*l*. in preparing petitions to parliament, apply it to the purchase of a seat in a certain house, to be filled by some individual capable of at once advocating their claims, and showing that there were yet means of rendering their contributions beneficial. When the right hon. gentleman descanted upon the station and attitude of the Catholic Association, did he forget his own Letter, in which he had wisely and strenuously recommended the abolition of Orange processions? Had the Orange system been abolished? It had not; and it was notorious that this Catholic Association had arisen as its counterpart, to protect their population from lawless oppression, and to endeavour to secure for them that redress of grievances without which it were vain to hope for tranquillity. It was idle to say that this Association had imitated and usurped the forms and functions of parliament, and had levied taxes upon the Catholic population. The reverse was the fact. They had not levied taxes, but collected subscriptions voluntarily given, to protect themselves from abuse and oppression. Again and again he would ask, why were the Catholics to be denounced for obtaining subscriptions for the prosecution of their rights? No such attempt had been made to drown the clamorous conventions among the agriculturists, when they pressed upon parliament for relief. Indeed, he recollected at that time, that so loud were the country gentlemen in their demands for redress, that even the hon. member for Somersetshire (sir T. Lethbridge) declared himself a reformer: so violent was his attack upon ministers for deserting his favourite question, at the period to which he alluded. It was time that the British parliament should seek to discover some other remedy for the evils of Ireland, than by the augmentation of penal statutes. There was a remedy that had never yet been tried, but which was plain and compendious: redress the people's grievances, emancipate the Catholics from the trammels of bad laws, remove the cause, and then the effect will follow—with the grievance will depart the evil; and then parliament will have acted not only with justice and wisdom, but in obedience to the united recommendation of the wisest statesmen of modern times. Against the adoption of this just and wise, and straightforward course, they were met by the old crooked argument of expediency and ill-fitting time. Why was the time ill-fitting? It was said, unjustly said, that the question of Catholic emancipation was unpalatable even in that House, much more in the country. He denied it. How could it be so, when the House on every side, reverted to the opinions of all the highest authorities who had been its brightest ornaments. It was, therefore, with surprise and pain that he had heard on a former night the right hon. secretary for foreign affairs say, that in the present feelings of the people of this country, he was sorry to think that the question of Catholic emancipation

was almost desperate. How desperate? *Though the occurrence took place three years ago, he yet felt ringing in his ears the transcendant eloquence with which that right hon. gentleman introduced, and successfully carried, in that House, his bill for restoring the Catholic nobility to all the rights of the British peerage. What reason, then, had the right hon. gentleman to think that the public mind had retrograded? The people of England were every day—and it was the natural result of a diffusion of knowledge—becoming less hostile, if hostile at all, to the just claims of their Catholic fellow-subjects. Look to the divisions of that House, when even the venerated names of Fox and Grattan introduced the subject, and compare them with the subsequent divisions. Would the right hon. secretary for the home department answer, in the spirit of the reformers, and tell him that the House of Commons, that had so often carried the question in favour of the Catholics, did not represent the opinions and feelings of the people? But, he would ask the right hon. secretary for foreign affairs, where it was he had made the discovery? Was it not when he was about to set out on a foreign expedition, or rather when there was a probability of his changing his destination? His speech at Liverpool was before the world: it was a well considered production; and in that speech it was for the first time disclosed by the right hon. gentleman that he despaired of the Catholic question. Let us look to the facts. That question had been successfully carried in the House of Commons in a most crowded House, nearly five hundred members being present. The majority in favour of the measure amounted to 249. It went on increasing through the successive stages. He had seen a correct statement of the minority; and, in reference to the state of public opinion, he would shew that in that minority against the Catholic claims, there was not to be found any of the members for the counties of Northumberland, Durham, York or Middlesex. In the towns and other counties they were divided. In the city of London there was a variation—at one period there were three to one in favour of the measure; latterly a majority against it. Take the other large towns, and in favour of the measure were to be found both the members for Newcastle, Durham city, York city, Nottingham, Derby, Northampton, with the great metropolitan po

After such a statement, on what grounds could any man say the cause of Catholic emancipation was hopeless or desperate? Where existed the pretensions on which the right hon. secretary for foreign affairs ventured to attack that portion of the House who supported him in his laudable efforts to render justice to the oppressed Catholics of Ireland and England? Had they not a right to complain of such a desertion? Had not the great, liberal, and enlightened population of England, whose representatives voted with the right hon. gentleman, just ground to complain, that because he thought proper to change his course, he should condemn them to the debasing charge of gross bigotry and intolerance. Looking at the minority on the question, it would be found that the majority of that minority were the members, either for what were so justly called rotten boroughs, or the representatives of peers, or of the Treasury, or of their own boroughs. Had he not a right, then, to assert that the great and decided majority of the people's representatives in that House were in favour of Catholic emancipation? Since that period there had been, no doubt, great activity on the part of the clergy against the measure. The church was a compact, steady, ably organized body, when any supposed interest of their own was affected. They were easily awakened on such subjects, and had no slight facility in calling their archdeaconries into action. There were, however, a most respectable number of the clergymen of the establishment in favour of the claim. But, considering them as a corporation, it was too true that they looked with rather a selfish jealousy at any liberality towards that parent church from whence they emanated: happily emanated, he would say, although a decided enemy to any system of civil or political degradation. Their influence in getting up petitions against the Catholic claims were also probably successful, with the unfortunate tithe-payers, who were unwilling to disoblige those who had it in their power to afford a modification of such a severe imposition. But, he did, in his conscience, believe there was not in this country a man of sound, enlightened, and comprehensive mind, who did not deprecate the continuance of a system of intolerance that risked so much without any benefit. We had heard much of auricular confession; and no man could

doubt the perversion that was made of that religious rite. Would it be believed, that though disused in the reformed church, the canon and the words of ordination were the same as practised in the Roman Catholic? So would it be disused in the Catholic, if our degrading disqualification did not interpose, if we left men to the spirit of the age, and to the progressive improvement which must follow. What a libel was it upon Christian legislators to declare, that those who professed that ancient form, through which the church of England held it from the apostles, were unfitted for the participation of civil rights. The right hon. secretary had harped on a topic which he had selected from a most excellent mass of advice, published in the Address of the Catholic body. In a sneering tone, he had forsooth, observed, that they had made a new discovery; namely, that Whiteboyism was no benefit. The Catholic Association had supplicated, and the answer to that appeal was, peace and tranquillity in Ireland. It was a matter of record, in the king's Speech, that Ireland was in a state of undisturbed tranquillity, and progressively growing into a comparative condition of wealth and happiness. Why, then, seize such a moment to rivet instead of loosen bad laws upon a peaceable people? Great stress had been laid upon the passage in the Catholic Address which adjured the people to be tranquil, "by the hatred which they bore the Orangemen"—a strength of expression which no man could literally justify, but which he had every reason to believe was taken by those who read such language, in a figurative sense. To show, however, that each party dealt in language of similar severity, he would refer to a very abusive article reflecting on Mr. O'Connell, in the "Dublin Evening Mail," so that when the one party was intemperate, the other speedily had a set-off without any legislative interposition. The Catholics knew they must expect the great weight of the Established Church against them. The church formed a compact, extensive body, which doubtless presented a dangerous hostility in such a cause; and it must not be denied, that there was a similar deep-rooted hostility in another very high quarter in the state—he meant the lord chancellor, an eminent and illustrious man, remarkable for the pertinacity and ability with which he had succeeded in securing to himself for twenty-five years, the honours and emoluments of the highest offices—a man who had law in his voice, and fortune in his hand, and who, whether he opposed the schemes of liberal feeling at home or abroad, must undoubtedly be considered as a formidable opponent. It was said of this great man, that he had formed a serpentine line in the cabinet, which ran into new forms of curvature, which it would puzzle a geometrician to trace. Whatever serpentine line he had formed, it was nevertheless quite clear, that the right hon. gentleman opposite (Mr. Canning) on this question always kept at one side of it, and the lord chancellor at the other [hear, hear]. This noble lawyer swayed the cabinet with his twofold power of statesman and lawgiver, and openly avowed his determined hostility to concession. But why was the successful exercise of such power permitted, when justice, and the tranquillity of the country required a sacrifice of obsolete notions? It was only two years ago, when a noble friend of his (lord Nugent) had succeeded in carrying through that House a limited measure, calculated to convey a small boon to the Catholics, by opening to them the magistracy and some other trifling privileges; but this measure was thrown out elsewhere, through the same ominous interest. Why treat the English Catholics so? They at least were quiet and submissive. The hon. and learned gentleman then enumerated the bills which had passed the House of Commons, and been thrown out in the House of Lords under this particular influence, and where others were so shackled as to have their nature entirely altered in their progress. Why did a statesman of enlarged and liberal views permit this to be done? Why not say, when the violence and enigmatical construction of detached passages in Catholic addresses was quoted, that there were books the most sacred, in which passages, if taken in this literal sense, became liable to misconstruction? There was, for instance, the passage in the book which said—"If thy enemy be hungry, give him food, if thirsty, give him drink, for in so doing thou shalt heap coals of fire upon his head." Why did not the eminent lawyer to whom he alluded yield to the flow of liberal opinions which had of late poured into the cabinet, or retire, as many of his predecessors had done, when their sentiments were incompatible with the retention of official station? There were examples enough in

this high office of such retirements. Lord Rosslyn had retired when unable to carry a favourite measure. Lord Hardwicke had retired after effecting great reforms in his branch of the law. Lord Somers, at an earlier period, had done so, after remedying many blots in the administration of justice. The greatest philosopher, and most glorious intellect of his times, had bent to the storm. Sir T. More, whose brilliant eulogium had been pronounced by the great Protestant historian of his day, had yielded to his royal master, not only his office but his life, when he could no longer hold his place without a sacrifice of justice. The hon. and learned gentleman then adverted to the manner in which some of their bills had been treated elsewhere by a noble personage—the Marriage-act for instance; and he called upon that House to protest against the disgrace which such mutilation was calculated to bring upon their enactments. He conjured them to pursue their measures steadily, and assert their power in a constitutional manner. The noble lawyer to whom he had alluded, was at times peculiarly tenacious about what he termed ex post facto enactments; and yet, on other occasions, he eagerly adopted them to suit particular views—the act suspending the penalty upon non-resident clergy, for instance. The country had complained of the abuses and oppressions of the court of Chancery, which invaded and distracted the rights and interests of property throughout the kingdom. It had been admitted by all sides, that the reform of that jurisdiction had been delayed twenty-five years too long. That noble and learned person had taken no part in the discussion, except that of repelling, with uniform and successful strength, all examination into the subject. Surely, a man of the learned lord's mind, as evinced in this case of resisting the most indispensable alterations of that court, could not be entitled to that weight and authority as a statesman, which honoured his opinions among his colleagues. He really was astonished that an individual so pre-eminently gifted as the right hon. gentleman could consent to compromise his great consequence by accommodating his sentiments, upon subjects of almost vital importance, to the taste of such a person. The right hon. gentleman had taken credit with the House for what had been done for South America. He (Mr. D.) was of opinion it ought to have been done six years ago. It would have been a good substitute for the Foreign-enlistment bill. He had heard that that great and necessary measure had, after all, been an affair of compromise; and his readiness to believe it was increased by the knowledge that this was a cabinet of compromises. He had heard that it was put in this manner—"I will agree to your proposal, if you will vote for a certain obnoxious measure which is to be brought forward in another quarter." ["No, no, from Mr. Canning."] He thought that this mode of compromising upon so many important occasions, was not only beneath the weight and rank which the right hon. gentleman now fairly held in the esteem of the nation, but that it was quite unnecessary. He complained of the continual treachery which had been shown to the Catholic cause by its parliamentary advocates. Lord Fitzwilliam was shackled in his administration, and removed, because he was considered to be too favourably inclined to it. In 1800, Mr. Pitt, and in 1806, the ministry, went out of office because they could not carry the measure. In 1822 the right hon. Attorney-general for Ireland proposed it with a pomp of eloquence and power of argument, which he had never heard excelled; and yet, in a few months, that right hon. and learned gentleman slipped into office, and there remained without a single effort to the same effect. The marquis Wellesley also exerted his splendid talents in the House of Lords in favour of the Catholics; although since his accession to the vice-regal dignity, he had been neutralized, and deprived of all masculine power, by having such a secretary imposed upon him as the right hon. gentleman opposite. Then, again, there was another party, important within the walls of parliament, although their importance was nearly confined to those limits. He meant the Grenvilles; who, it was well known, sacrificed power with Mr. Fox, in 1807, because they could not carry the Catholic question; perhaps the only popular step that they had ever taken. That party had since returned to power; but nothing had been done by them to advance the Catholic cause.—He must confess that he viewed with horror and apprehension the bill proposed by the right hon. gentleman — a bill which, although it was called temporary, would, no doubt, be permanent: and must, indeed, be followed up by a series of similar

measures. If parliament set its wits against a people by a bill, was it not likely that they would devise every kind of stratagem to secure the object nearest their hearts. It was whispered already that the Catholic Association was dissolved; that it would meet no longer; publish no more proceedings and debates in the journals. Did the House believe that such a step would afford a better security for peace and union? His main objection to the proposed bill, however, was, that it was one of the outworks to defend the ancient Protestant monopoly in Ireland, against the just assaults of the Catholics. It was on that account that he had ventured to trespass so long upon the attention of the House, but he would now conclude, by giving his direct negative to what he conscientiously believed to be the most unjust, the most unfair, the most mischievous, and the most destructive measure, that had ever been proposed in parliament.

The debate, at two in the morning, was adjourned till to-morrow.

HOUSE OF COMMONS.

Friday, February 11.

UNLAWFUL SOCIETIES IN IRELAND BILL.] On the order of the day being read for resuming the adjourned debate on Mr. Goulburn's motion, "That leave be given to bring in a Bill to Amend certain Acts relating to Unlawful Societies in Ireland,"

Mr. *C. Pelham* addressed the House in a tone of voice which was inaudible in the gallery. He said, that although he was desirous of steering clear between both the parties principally involved in this discussion, yet he was averse to the introduction, in a time of profound peace, of any measure which had a tendency to restrict popular rights.

Mr. *Gratian* declared it to be his conviction, that all the evils, even if true, which honourable gentlemen affected to apprehend from the existence of the Catholic Association, were to be attributed to the really unlawful societies which had so long existed in Ireland. The right hon. Secretary for the Home Department had last night stated, that if that Association was not put down, counter societies would be formed. But, what was the fact? It was this—that the Catholic Association was the counter society, and had been brought into action by the Orange institutions. It was not true that the Association consisted exclusively of Roman Catholics. There were also Protestant members. He did not himself belong to it, because he could not justify all its proceedings; though much might be said to extenuate them, in consequence of the provocation they had received. The right hon. Secretary for Ireland had spoken of the prosecutions instituted by the Association, and of their general proceedings. But in fairness, the right hon. gentleman should not have omitted to say something of the conduct of the opposite party. When he spoke of the conduct of the Roman Catholic clergy, did he not know that a clergyman of the Established church had been, for a long time, publishing in the Irish papers most furious attacks upon the Catholic body? In fact, it was the conduct of the opposite party that had given birth to the Association. They associated for self-defence; and he had no reason to think that their proceedings were mischievous. Their conduct was justified by the conduct of some of the clergy of the Established Church. Before such a measure as was now proposed was enacted, let the Association be heard by counsel at the bar of that House. It was his most solemn opinion, that if the present course was pursued, the greatest danger to the tranquillity of Ireland would be the result. It was worse than idle to speak of the impartiality of the measure. The bill was nothing less than an Orange bill—a declaration of war against the Roman Catholics. It came from the north of Ireland. He would not say the people of the north; for no man more highly valued the character of his northern countrymen; but it was hatched at Derry [hear, hear!]—and the united parliament was to be persuaded to mature it into life. It was because he regarded most sincerely the interests of the Protestants of Ireland, that he should oppose it; as he believed in his heart, it would operate hostilely to their interests and happiness. It would lead to a general jarring of parties, and to the exasperation of factions and religious strife. So strongly was he impressed with that feeling, that he conscientiously declared, that if he did not believe that, as a member of that House, he might be of some little service to his native country, he would gladly remain an exile from it for ever. Much had been said of plots. Catholic plots there certainly were none. There might be plots invented by some of

the magistracy, who wished for the consequences that were likely to follow, in the shape of commissions in volunteer corps, &c. What was called the interference of the Catholic Association with the administration of justice had also been complained of. He would not say that the administration of justice in Ireland was not pure; but he knew that there was a strong feeling among the peasantry of Ireland that they could not obtain justice; and, consequently, considerable satisfaction at any means which might yield them protection and support. He was persuaded, that if the proposed bill were passed, many persons would be alienated from the country, and all speculation in it would at once be put an end to. It would prevent any disposition to reside in Ireland; and for himself, he repeated, that rather than live in Ireland under that act, he would live in this or any other country. The wrongs of which Ireland had to complain were heavy and numerous. The union was one of them; and since the union nothing had been done for the people; who were kept down only by the bayonet. The expression in the declaration of the Catholic Association, invoking the Catholics "by their hatred to Orangemen," to him it appeared a very natural expression. The Catholics hated the Orangemen, because the Orangemen hated the Catholics. It was very well to say, that when you received a slap in the face you ought to turn the other cheek; but who in the world did so? What were the mild names by which the members of the Catholic Association were called by the organs of the Orange party? Demagogues, arch fiends, rebels. The vituperation of the Orange press in Ireland was boundless; and it might give the House some notion of the state of that press, to be told, that while "The Dublin Mail," "The Antidote," and "The Star," newspapers were prosecuted by one part of the Irish government, they were supported by the other.

Captain *Maberly* declared, that he viewed with the deepest regret—no, not regret—with the deepest indignation, the introduction of the proposed bill. He charged his majesty's ministers with bringing forward this most ruinous measure on the flimsiest pretexts. Notoriety was said to be its basis. Notoriety! when even those who supported the proposition were not agreed as to the facts on which they pretended to found it. The right hon. Secretary for Ireland said, that the Catholic Association was a virtual representation of the Catholic population of Ireland. The right hon. Secretary of State for Foreign affairs contended, on the contrary, that the Catholic Association was not a virtual representation of the Catholic population of Ireland: and maintained that it ought to be put down on that ground. The term "virtual representation" had no meaning. It was a term coined in this country, at the period of the American revolution. The Americans were told, that they were virtually represented in the English parliament. Their reply was, "we will be really so." Finding some difficulty in understanding the expression, they speedily cut the Gordian knot, and had a parliament of their own. The right hon. Secretary wished to convince the people of England, that the Catholic Association affected to adopt modes of proceeding similar to those of the British parliament; but, that was by no means the case. They had a president, undoubtedly; because, without some head, their proceedings could not be conducted; but there the analogy dropped. All their other forms were modelled with a regard to convenience and to the despatch of business. They had divisions, and subdivisions of their body; because the body at large could not get through the business so satisfactorily and effectually. His majesty's ministers were very desirous to put down the Catholic Association. Let them put it down as they liked, it would not fail to appear in some other shape. When the Convention act was passed, it failed in its effect. It was successfully evaded. How could it be supposed, that what took place on that occasion would not take place on the present occasion? Ministers deceived themselves if they thought the contrary. Every possible manœuvre would be resorted to, to defeat the measure. The adversaries of the Catholics in the cabinet, forgot that their heavy-armed troops would have to combat with a light active enemy in the Catholic Association. If the existing Catholic Association were put down, Mr. O'Connell, Mr. Shiell, and a reporter, would make a Catholic Association of themselves. An attempt had been made to compare the Catholic Association with the Constitutional Association, which had recently existed in this country. They were wholly dissimilar. The Constitutional Association was established expressly for the purpose of instituting prosecutions; a

purpose altogether indefensible; as individuals were placed under circumstances of considerable disadvantage, when contending with an irresponsible body. The state of Ireland was not such as to require any measure like that under consideration. He had lately visited that country; and, in the parts which he had seen, there appeared to prevail the utmost tranquillity and submission to the law. There were no murders; no plunderings; no burnings. The rents were regularly paid; nay, the arrears of rent were paid; and, what was still more, the people were anxious to obtain leases; a strong proof, that nothing like disturbance was expected; for every one who knew Ireland, knew, that when disturbance was expected, the peasantry abstained from applying for leases, trusting rather to the chapter of accidents. But, while he complained of the proposition which was now before the House, he was disposed to give his majesty's ministers credit for a part of the measures which they had adopted with regard to Ireland. The Tithe Commutation act was certainly a good measure. The Insurrection act had had a most salutary effect. He was bound also in candour to acknowledge, that the Police act had been attended with beneficial consequences. But then he must say, that the course of proceedings which they had adopted, required a most active and vigilant control. It had all the inconveniences of a military system, without the effective discipline which such a system insured. Nor could any man doubt that the Catholic Association had greatly contributed to produce the tranquillity at present existing in Ireland. No man could read the eloquent address of the Catholic Association to the Catholic population of Ireland, without feeling that it must produce a powerful effect. Issuing, as it did, through their priests, for whom they cherished the greatest veneration, that effect would necessarily be much increased. Nor could he view with the detestation which had been expressed by others, the expression of hatred to Orangemen which that declaration contained. It was used as an inducement to the Catholics to maintain the existing tranquillity, which it was believed the Orangemen were disposed to violate, with a view to such ulterior measures as the present. While he was in Dublin, and in communication with a number of Catholic gentlemen, he found that a strong impression existed in their minds that the Orangemen wished to create insurrection in Ireland. With this impression, was it not natural that the Association should speak in the language of strong prejudice of the Orangemen? When they invoked the Catholic population by their hatred of Orangemen, it was that they might not fall into the snares which they suspected the Orangemen had laid for them, by adopting any proceeding calculated to disturb the public peace. In that view of the expression it did not appear to him to deserve the reprobation which had been bestowed upon it. Unquestionably, there had been several imputed plots, all of which had turned out complete fabrications. There was the supposed plot at Roscrea, the groundless character of which had been discovered and exposed by the hon. member for Tipperary. The same was the case at Carlow. Throughout the counties of Cork, Kerry, Limerick, Tipperary, &c. a strong persuasion had been spread, that the Protestants were all to be massacred on last Christmas-day. In every case, however, these supposed plots were proved to be utter fabrications, the object of which it was not difficult to divine.—They had heard much of the tranquillity of Ireland, and the various causes to which that tranquillity was to be ascribed. But there was one great point in which all others merged—the great secret of the tranquillity of Ireland, was its improved condition. The people of Ireland were quiet because they were happy—at least happy, compared with their previous wretched and forlorn condition. It was not to the measures of government, as had been asserted on the one hand, neither was it to the efforts of the Catholic Association, as had been stated with equal confidence on the other, that the peace and tranquillity of Ireland were to be ascribed, but to that increase of comfort and prosperity, which they at present enjoyed. But that tranquillity might be, and, indeed, had, to a certain extent, been already interrupted, by two or three circumstances. One of those circumstances had been already strongly dwelt upon by the hon. member for the Queen's county. That hon. baronet, than whom no man was better informed, as to the situation of Ireland, had stated last evening, that the discussions produced by the Bible Societies and Bible Missionaries had produced much irritation throughout many counties in Ireland. This was a statement which he (Captain M.) was,

from personal observation, fully able to corroborate. Almost the whole of the south of Ireland had been converted into a scene of outrage and disorder, by the young crusaders who went from this country upon a Bible mission to Ireland. Cork, Waterford, Kilkenny, Clonmel and Carlow, had been thrown into a state of the utmost confusion by the discussions introduced between those persons and the Roman Catholic priests. They were opposed by the priests; because it was felt, that whilst they had education in their mouths, they had proselytism in their hearts. This system of disputation carried dissention and disunion throughout Ireland; for it was found that those families of respectability who took a part in favour of the Bible meetings became detested; they lost their influence in their neighbourhood, and were totally unable to control or manage the peasantry. Before he concluded, he begged to read to the House an extract from an account of the proceedings which took place at a disputation between the Bible missionaries and the Roman Catholic priests, which took place in the town of Carlow. It was as follows:—

"Mr. M'Sweeny: I choose to personate a Socinian: how will you convince, on your own principles, of the divinity of the Saviour 'Meus Pater est major me'—my father is greater than I. How do you explain that?

"Mr. Pope: by fair and legitimate reason. If the Redeemer be declared God in very many passages, as I have shewn you this morning that he is, then we must look for some explanation of the passages, that will not militate against them. I inquire, is there any verse in which the Saviour was inferior to the Father without compromising his essential divinity? The answer is obvious—in his mediatorial office and in his human nature. This, then is the explanation I would give—Christ, while one with the Father, and equal to him in his Godhead, is inferior to the Father in his mediatorial capacity and in his manhood.

"Mr. M'Sweeny replied: That will not do, Sir; you have proved nothing; you have given an explanation that may satisfy yourself of there being nothing in the passage inconsistent with the Father, considered as to his divine nature.

"Mr. Pope said: I don't know what the gentleman means by proving nothing.

"Mr. M'Sweeny: 'The Father is greater than me!' You have not, Sir, explained this text, so as to satisfy a Socinian, though you spoke for three hours and a half, and during your speech you wandered considerably from the subject.

"Mr. Pope: I certainly did speak for a long time, but I deny that I wandered from the subject [this was followed by loud cries of 'No, no!'—'Answer the question now.']

"Mr. Daly: Mr. Pope has answered the question. I appeal to you all if this is not fair play. Should he not answer the question now? You are all honest Irish fellows, and I am sure like fair play.

"Mr. M'Sweeny: I will refer to the chairman whether you answered the question or not.

"Colonel Rochfort: I must decline giving any opinion upon this subject [Bravo! bravo! and loud cheers].

"A gentleman here said—'From the feeling which has been manifested, I think the meeting ought to adjourn for the present.' The scene of tumult that followed this lasted for several minutes. The chairman endeavoured to calm the meeting. The rev. Mr. Shaw endeavoured to address the meeting. It appeared to be the intention of the mob not only to prevent the rev. gentleman from being heard, but to proceed to acts of personal violence against the Protestant clergy assembled on the platform. With this view the temporary barriers were thrown down, several of the candles extinguished, and a scene of riot and confusion took place, the most disgusting and disgraceful. The doors of the chapel had been closed, and and the violent knockings and yells of those without, contributed not a little to the horror of the scene. The officer commanding the police intimated to the clergy of the Established Church, that from information of which he was in possession, as well as his own personal observation, he could not undertake to be answerable for their lives, unless they immediately retired. The rev. Mr. Winfield, Daly, Pope, and Jamieson, were obliged to scale a wall eight feet high, whereby they escaped the insults and attacks of an infuriate rabble. The meeting was adjourned, sine die.

"The rev. Mr. O'Connell then ascended the pulpit and gave thanks to God for the triumph that had been achieved; and also to colonel Rochfort for the manner in which he had contributed to it."

This was a specimen of the effects produced by the efforts of those who went over to Ireland for the purpose of educating, and giving religious instruction to the Catholic population of Ireland. He would ask the House, whether they were in possession of any grounds sufficient to warrant them in adopting the proposed measure? He had himself attended a meeting of the Catholic Association in Dublin, and had heard a discussion carried on with temper. At that time the Catholic Rent was from 40*l.* to 50*l.* a-week. In the course of three months, the rent amounted to about 400*l.* per week. In the mean time, however, the Bible discussions had taken place; the people became irritated, the priests engaged in the discussions; they interested themselves in the subscription; the peasantry followed their example; and the consequence was, that the Catholic rent now amounted to about 1000*l.* per week. This being the case, was not the hon. baronet right in stating that the increase of the Catholic rent was owing to the acts of the Bible Society and to the attacks in "The Courier," which followed hard upon them? There was another ground of alarm. Were they not to take into their consideration the high expectations with which the lower and middling classes of society regarded the efforts of the Catholic Association. What, then, must be their feelings, when they found that their most sanguine expectations was to be disappointed. The House was called upon to legislate in the dark. It was extremely injudicious on the part of ministers to introduce a question of such vital importance, without laying before parliament such information as would enable them to judge of its expediency. He, for one, looked upon the Catholic Association as a body whose efforts had the effect of injuring the cause they advocated; and whose proceedings would have the effect of intimidating many persons in England. He felt that every step taken by the Association in Ireland tended to retard their cause in England. But he must say, that though he could not justify the proceedings of that body, there was much to excuse and extenuate in their conduct. They had been for a long time abused and hardly dealt with. When their numbers were few, and their subscriptions were small, they were told that they did not possess the confidence of the people; and when their numbers increased, and the rent amounted to a large sum, they were pointed out as factious persons, opposed to the laws, and determined to make inroads upon the constitution by storm. He cautioned ministers to be circumspect upon the present occasion; for it was his firm belief, that if they passed this measure, without ameliorating the political condition of the great body of the people, they would spread insurrection and dismay throughout the country. If the House consented to such a measure, they must make up their minds to deprive the Roman Catholics of their property, and, Cromwell-like, drive them into one corner of Ireland: they must do this, or at once grant them an equal participation in the rights and privileges enjoyed by their Protestant fellow-subjects. They might now grant this as a matter of justice; if they refused it, a time might come when it would be exacted from them by a sanguinary rebellion.

Sir *N. Colthurst* said, he could not give his consent to the continuance of an Association, whose objects were inconsistent with the constitution, and incompatible with the well-being of Ireland. He was ready to make every fair allowance for that effervescence of feeling and expression, which frequently occurred at such meetings; but, when he found in the Catholic Association a systematic interference with the administration of justice in Ireland—when he found that they called upon the people to confide in them, and had formed a tribunal to which they invited every grievance, real or imaginary—when he found that they proceeded to levy money upon the people, and used the most despotic means for its collection, even to the extent of denouncing those who refused to pay it—when he found all this, he felt it his bounden duty to give his vote in favour of a measure calculated to suppress such an Association. He had been informed, that a respectable gentleman, residing in the south of Ireland, had cautioned his tenantry not to pay any money towards the Catholic rent. In a short time, he received a letter from the parish priest couched nearly in the following terms: "Dear Sir; It has been reported to me that you have cautioned your tenants against contributing to the Catholic rent. I know that this report is without foundation; yet, as it has had the effect of decreasing the rent in this quarter, I hope you will allow me to contradict it, particularly as I am obliged

to render to the Catholic Association, within a few days, an account of those persons who have opposed themselves to the collection of the rent [hear, hear!]." He left it to the House to draw their own conclusions from this letter. It was alleged, as a redeeming clause, that the Catholic Association had been instrumental in preserving tranquillity in Ireland. He denied that such was the case; but even if it were, that was no argument for its continuance. He wished to see Ireland governed, and rendered tranquil, by the mild but firm exercise of the law. Precarious, indeed, must that peace and tranquillity be, which depended upon the acts or opinions of any Association. That Ireland was at present tranquil, he was ready to testify; but that tranquillity was owing, not to the causes ascribed, but to the exercise of the extra powers wisely vested in government, and to the improved condition of the people, and the minute attention paid to their wants, their feelings, and their interests. To these causes it was, that Ireland owed that improvement and prosperity, the increase of which would, he had no doubt, sooner or later, place her on a level in happiness with her more fortunate sister country. It was because he felt that the Catholic Association, whilst it outraged the feelings of the Protestant, was injurious to the interests of the Catholic, that he should give his full consent to the measure proposed to be introduced by the right hon. Secretary for Ireland.

Colonel *Davies*, in opposing the present motion, said, he was willing to admit, however unwilling to legislate on particular cases, that cases might arise in which government were bound to depart from the ordinary course, and provide an extraordinary remedy for a growing evil. And, if it could be shown to him that the Catholic Association was a body of this description; if it could be once proved to him that they wished to usurp the powers of the constitution, then he would say, that the House would not do its duty, if it did not enact new measures for their suppression: nay more, if it did not follow up those measures by the power of the sword, if necessary. Now, he did not feel that such was the case, and therefore he was opposed to the bill; but he was further opposed to it because of its inutility. If the bill went only to put down meetings which continued to meet beyond a certain time, whilst it tolerated others who met differently, how easy was it for the Catholic Association to fashion themselves upon meetings of the latter description. In short, nothing would be more easy than to evade this part of the measure. When he looked to the bill itself, and to the character and feelings of the noble and learned lord, by whom he presumed it was framed, he could not help thinking that, though its professed object was to put down Orange societies, as well as others, it was directed, in reality, against the Roman Catholic body only. It was in the highest degree fallacious, to say, that this measure was levelled equally against the Orange societies as against the Catholic Association. The former body could always elude that provision which prevented them from making a difference of religious opinion a ground for refusing to admit members, by agreeing to make their elections by ballot. The Orange society was held together by ties much stronger than their hatred to Catholics; and the power they found themselves in possession of was a much firmer bond of union than any oaths by which they might bind themselves. If his majesty's ministers seriously wished to put down the Orange Associations of Ireland; if they wished to shew their discountenance of all Orangeism; then they had only to close the public offices against the admission of Orangemen, at least to divide those offices, to which Roman Catholics were eligible, equally between both, making it a test of eligibility to office, that the candidate should not, directly or indirectly, belong to any such society or association. This was the only effectual method by which such societies could be put down. He maintained, that, unless they adopted some such measure as this, the proposed bill would be abortive, and the Catholic Association would continue as powerful and efficient as it was at present. He was not the advocate or apologist of the Catholic Association; but he thought it was rather too hard to notice with scrupulous niceness, the expressions which fell from the lips of men in the warmth of debate—of men, too, who belonged to a country, not at any time distinguished for the caution with which its inhabitants delivered their sentiments. It had been said by the right hon. Secretary, that the Catholic rent amounted to 50,000*l.* a-year. How the right hon. gentleman arrived at that conclusion he was at a loss to conceive. If the rent amounted to 1,000*l.*

per week, he of course was right; but such was not the case. The fact was, that the Catholic rent was dying a natural death, when his majesty's government stepped in with their remedies; and the consequence was, that the amount of subscriptions was almost immediately doubled. He had been informed, upon extremely good authority, that of a gentleman residing in the south of Ireland, that in his parish not a single shilling had been subscribed, and that such was the case in a great part of his county. But, who could at once condemn the efforts of the Catholic Association? They were struggling to protect the Catholic people: for it had been said that in Ireland, there was one law for the rich, and another for the poor. He firmly believed, that if the laws now in existence were impartially administered to all classes of persons in Ireland; if the poor man felt convinced that an equal measure of justice was to be dealt out to him; the Roman Catholic peasant would not be easily induced to give up his little pittance to swell the Catholic rent. The hon. colonel next adverted to the small number of Roman Catholics employed in public offices in Ireland. There were, according to the return, 2,000 offices to which they were eligible, and yet no more than 111 Catholics were employed; being in the proportion of about twenty to one. But, the oppression was not confined to the middling and upper classes to whom he then alluded; it extended to the lower class of the population. Could we, then, be surprised that the people of Ireland should feel a soreness at such treatment; or that they should express their feelings in somewhat unguarded language? An instance which he recollected of the manner in which justice was sometimes administered in Ireland, would further prove how much cause the people had to complain. A young man, who had been out shooting, happened on his return to pass the farm-yard of a Catholic in which there was a dog. For some cause or other, this person shot the dog; and, when the son of the farmer came out, he shot him also. The father then came out, and seeing his son lying dead before him, did not address the perpetrator of the crime in very measured terms, upon which he was shot also. For this, the person who had committed this outrage was tried for the murder and acquitted; although he was clearly proved to have committed a crime for which, if he had had a thousand lives, they would have been too few to expiate it. The hon. colonel concluded by expressing his determination to oppose the measure.

Mr. *Doherty* said, it had been his lot more than once to have heard it said, that the Catholic body in Ireland had never been encountered with a greater enemy than the Catholic Association. If he had ever entertained a doubt as to the truth of the observation, it would have been removed by the two speeches last delivered. The gallant colonel who had just taken his seat had said, that he had been systematically opposed to the Catholic claims, yet he gave his very able and not less strenuous support, to the Catholic Association. His hon. friend who spoke last but one, the distinguished representative of the city of Cork, had been the invariable and consistent advocate for emancipation, yet he now came forward with great reluctance, and with little ostentation, to give his vote for putting down the Catholic Association. Could there be a better practical proof of the light in which the body was viewed, not only by the friends of the Catholic population at large, but by its steady and persevering foes. For his own part, he never had an opportunity in parliament, of giving any opinion upon the great question of Catholic emancipation. Out of parliament he had purposely abstained from doing so; not that he did not hold it a matter of great weight and importance; not that his wishes had not been strongly excited regarding it—the Catholics had his heartfelt wishes that the result of calm reasoning might at length be, to throw wide the doors of admission to every member of the excluded body. Whenever the question was introduced again, let it be brought forward by whom it might, he trusted that nothing would intervene—that no obstinate perverseness on the part of enemies and would-be representatives, should prevent his feeling himself conscientiously at liberty to give his vote to allow the Catholics a full participation in all the benefits of the British constitution. On this point he claimed no merit to himself; he believed that it was the anxious desire of all the hon. gentlemen round him to be able to concede to the Catholics; if every man could vote consistently with his wishes, he felt assured that every man would much more willingly take the popular side of that great question, than

that side which was stigmatised with illiberality. But it was a difficult, a delicate, and a momentous question, and he much respected the feelings of those, who, after calmly investigating all the bearings of the subject, reluctantly came to the decision, that it was not prudent nor safe to grant further privileges, and manfully avowed and acted up to that conviction.—He was sorry to have been even thus far led away from the immediate subject of debate, for the general topic of the Catholic claims was a little beside the question; but it had been so mixed up with that, that it was hardly possible for a man whose sentiments were not known, and who might be suspected of entertaining narrow and illiberal views, to avoid it entirely. Proceeding, then, to the measure before the House, he must, in the outset, say that he should be wanting in duty to his country, if he did not assert, that the Association now existing in Ireland, for a length of time had adopted proceedings utterly inconsistent with the spirit of the constitution. When he informed the House that an alarm at that instant prevailed in Ireland, deep, general, and, to his mind, just; an alarm not confined to any particular class, not limited to the Orangemen who are held forth as opposed to the feelings and wishes of the Catholics, but pervading the Protestants generally, unconnected with party, and, therefore, uninfluenced by party spirit, he thought it would satisfy all honourable gentlemen, that parliament was called upon to interpose, to remove the cause of apprehension. The feeling in Ireland, among the persons to whom he alluded, was this, that the proceedings of the Association were calculated to keep alive a spirit of discontent, by exaggerated representations (or he should rather say misrepresentations) both of the state of law and fact, which daily exasperated the population against the government of the country. Any man at all acquainted with the history of Ireland, must know, that the great evil of which that country had had to complain, was the assembly of delegated bodies—in England, the evil had been riotous mob-meetings. The law of each country, therefore, had been directed to remedy these respective evils; in Ireland, by such laws as the Convention act, and in England, by the statute of Charles 2nd. Without any risk of contradiction, he would assert, that of all the delegated assemblies that had ever existed in Ireland, none had gone to such lengths as the Catholic Association. The hon. member for Northampton (Mr. Maberly) had complained, that ministers had proved nothing—that the House was not properly acquainted even with the existence of the society it was called upon to suppress; yet the hon. member himself admitted that he had been present during the debates, although by peculiar good fortune, he had witnessed no intemperance—he had selected a peculiarly calm day for his visit to that assembly; he had been so fortunate that he would say to him—

"Hunc, Macrine, diem numera meliore Lapillo."

But, if others were not well informed as to the proceedings of the Association, he (Mr. D.) had felt it his painful duty to read attentively the whole of its debates from the most authentic sources he could procure, and he was therefore prepared to maintain, that no assembly had ever yet sat which, week by week, and day by day, presumed to publish discussions of so inflammatory and irritating a character. What, he would ask, could be the tendency of such publications, but to rouse passion, and to increase discontent? When it was complained that the Association was unconstitutional, and that the interposition of the House was necessary to check its course, the supporters of the present measure were told, not that the assembly was a positive good, nor a necessary evil, for even gentlemen on the other side allowed that it was highly objectionable, but that some persons or other were responsible for its creation. Neither he (Mr. D.) nor those with whom he thought and acted were so responsible. The Catholics of Ireland maintained, that they had certain rights, and that those rights ought to be conceded, and because concession was withheld, they established an Association to "fright the isle from its propriety," by exciting ill blood, and fomenting a spirit of insubordination. Was such a course argument, or was it intimidation? Would such an Association be endured in England? The experience of legislation in this country satisfied him that it would not be tolerated for a single week. If, then, it would be so dangerous in England, give him leave to ask what would be its effects in Ireland? As a reply to this question, he required no more than the description given in the Assembly itself of the state of the people, of their irritability and inflammability. One

of the orators of the Association, speaking of the state of the people of Ireland, said, "there is in this country an immense mass of population, uniformly acting under the influence of passion more than of reason; men who have injuries to avenge—who are bound to the soil by no tie, and cheered by no solace, and have nothing but animal instinct to attach them to existence—who mount the scaffold with a laugh, and leap from it with a bound;" hence he proceeded to talk of the prospect of success thus afforded to an invader, and of the peril to which the country was exposed. The House would recollect, that this representation was no hypothesis, no prediction of what might be the condition of Ireland twenty years hence; but a representation of the actual state of feeling in the Catholic population at the present moment.—In the course of this debate, frequent allusion had been made to the administration of justice in Ireland. Upon that part of the subject, he was extremely desirous of making a few observations. In all the eulogiums pronounced on the British constitution, no part was more fully warranted than the applause bestowed upon the well-merited impartial administration of justice. He spoke from the experience of some years, when he asserted of Ireland, that the Roman Catholics there enjoyed the fullest and fairest measure of justice. He feared no contradiction upon this point, from any Irish member acquainted with the subject, when he said, that the courts of justice in Ireland were open alike to the rich and to the poor, without distinction of religious sects. He was the more anxious to touch upon this point, because, when aspersions had been cast upon the administration of justice in Ireland, passing over the Irish members who had a knowledge of the facts, the duty was always entrusted to English hands. Two years ago, a petition on the mal-administration of justice, had been consigned to the charge of one of the most able and eloquent members in the House, the representative for Winchelsea (Mr. Brougham), who complained that he had been sent into the House briefless, and without facts to sustain the charges adduced. It might, indeed, be said that the whole rested on assertions on both sides; but assertions were of different kinds—accurate and inaccurate—partial and impartial. The assertions he had made he would confirm by such evidence as would be deemed satisfactory—satisfactory, he meant, to those who took the same view of the subject that he did. In the course of the day, the minutes taken before the committee of last year on the state of Ireland, had been laid upon the table, and from those minutes it appeared, that the administration of justice had, among others, formed an important branch of the investigation. The first person examined was a gentleman of the name of Blackburne, who possessed an experience of eighteen years, and who enjoyed the highest character. Being asked how far the administration of justice was or was not pure, he gave a reply which was perfectly convincing to every candid mind. Mr. Bennett had been next examined: he also was a king's counsel of eighteen years standing, and his evidence was precisely of the same character. The next witness was entitled to every respect, and to implicit credit; he alluded to Mr. Justice Day, of the court of King's-bench, and with the leave of the House he would read a portion of the information he gave the committee. The question was:—"From your observation, do you consider that the body of the people of Ireland have as much confidence in the equal and fair administration of justice as the people of England, not so much in the principal courts as before local magistrates, and generally in the administration of justice by the intervention of a jury?" The answer was:—"My opinion is, that justice is very fairly administered, generally speaking, in Ireland. I know that on the circuits I have gone, juries have been composed indifferently of Catholics and Protestants, and they have conducted themselves most properly. The grand juries consist of more Protestants than Catholics, because the Catholic gentry are not so numerous." The latter part of this reply would perhaps explain to the hon. colonel who spoke last, a point of which he had appeared ignorant. The next question to Mr. Justice Day was this:—"Have you not found Catholics and Protestants acting indiscriminately, both in civil and criminal cases, and acting impartially." And the reply of the learned judge had been, "Oh, Lord! in executing their duty as jurors, religion never seemed to enter into their imaginations. I never had the misfortune to encounter any religious feeling to prejudice the course of justice on any of the circuits I went." God grant, that after the labours of the

Association to poison the fountains of justice, the judges might still have the power of saying with Mr. Justice Day, that religion never prejudiced its course! He feared that such a reply could never again be given, if the Association were allowed to interpose as public prosecutor or defendant. He might appeal with confidence to any of the learned members opposite, whether with this public body —this Joint-Stock Company (he might call it, in compliance with the fashion of the day), to carry on and foster litigation, it was possible that justice could be fairly administered. He was not for any change in this respect in Ireland; but if it were necessary, sure he was, that a subscription like the Catholic Rent could effect no beneficial alteration. He had seen that the Association had appointed a committee to investigate a case, and subsequently directed that an action should be brought. That action was now pending, in one of the most Catholic counties of Ireland. He need hardly say, that the gentleman against whom it was brought was a Protestant; and as in that county, the Catholics and Protestants were as ten to two, it was evident that the jury to decide would be five to one against him. Let it not be forgotten, also, that the Association had voted, that the conduct of the magistrate had been most flagrant and unjust, and that one of the most distinguished prelates of the Catholic Church, in the same spirit, had declared —"that the Catholic who was not with the Catholic cause was an enemy to his religion and his country;" it was not very likely that the jury would come to the decision with minds unbiassed by prejudice.—What had been advanced by the right hon. Secretary for Ireland on the Catholic Rent, had been disputed by the hon. baronet from the Queen's county (sir H. Parnell), but he (Mr. D.) was in a condition to confirm fully the original statement. The hon. member then referred to the report of the secret committee of the Irish House of Lords, which sat in the year 1798, and which, referring to the origin of the disturbances then existing in Ireland, stated, that in 1791 large sums of money were collected from the Catholic population, by a committee of persons of that persuasion, who assumed a control over the body—he then proceeded. No gentleman had been bold enough to support the existing Assembly in Dublin, as perfectly constitutional. But, if it were not only constitutional, but legal, he had the high authority of the hon. and learned member for Winchelsea for saying, that even the legality of such an Association ought not to prevent the House from interfering with its existence where abuse existed. He asked them whether any Assembly had been guilty of grosser abuse than the Catholic Association? The errors of the Catholic Committee of old were trifles in comparison. He remembered the manner in which that body had been formerly characterised and described; but, what would then have been thought of a combination like the present, which, day by day, and week by week, met, debated, published its debates, mimicked and travestied the proceedings of parliament in every way, appointed committees, received reports, and, while it attempted to overreach the legislature, overawed the administration of justice? The levy of a tax was the last finishing touch of the full-length likeness; but this, it was contended, was a voluntary contribution. They knew but little of Ireland, who thought that wealth was there so redundant, as to make this sacrifice of trifling moment. But the most powerful engine was set to work to obtain the Rent; the authorities of the Church had been called in aid. He should be the last to object to the exertion by the priesthood of its legitimate influence; but here the purpose for which it was employed was for the creation of a body of representatives, distinct from the House of Commons, but exercising similar powers. It could not be borne that two Houses of Commons should exist at the same time. The members in Ireland might endeavour to disguise the resemblance, and they did diguise it; they might well say they did not represent the Catholics—for, if they did, they would have fallen under the wise provisions of the Convention act. They nevertheless admitted, that they were virtual representatives: the difference was, that, instead of being appointed, they were adopted by the Catholics; they were representatives by adoption, not by appointment. For all bad purposes they were as efficient as if they acted under an undoubted delegation—nay, on this very account they were, perhaps, more dangerous. If one or the other must be tolerated, he would infinitely prefer such a body as the Catholic committee; because, in that case,

where there was something like election, there must be something like responsibility. If, however, the Catholic committee could not be endured, a fortiori the Catholic Association ought to be suppressed. In the evidence taken before the committee, on the state of Ireland, he found the testimony of a Catholic gentleman of the name of Dunn. He had said, that he was not a member of the Catholic Association, though he had been a member of the Catholic committee, having been appointed to represent the Queen's county there. He disapproved of some of the proceedings of the Association, and considered the speeches intemperate, and calculated to injure the Catholics. He (Mr. Doherty) was precisely of the same opinion. Whatever seeming animosity there might be at present, he was satisfied that, on reflection, every rational and dispassionate Catholic must disapprove of the course pursued by the Association. He hoped to God that such would be the result, and that the main body of Catholics would separate themselves from these obtrusive and assuming leaders of their cause, who had tyrannically compelled them to send in their tardy and reluctant adhesion to their body. He trusted that the Catholics would be taught by experience, and take a lesson from the overwhelming majority of the House, which, he anticipated, would vote in favour of the bill now proposed. If they did not timely grow thus wise, the effect might be an indefinite postponement of the consummation of their wishes. In the opinion of the hon. gentleman, the Catholic Association had, in point of fact, from the nature of their operations, exercised a species of tyranny over the Catholic body generally; and, he believed, a greater service could not be done to the Catholic cause, than to rid them from that species of tyranny. Indeed, it was said, that the Association had achieved some good deeds in the cause, and which should redeem them from their fate. Forsooth! they had tranquillized Ireland. That Ireland was tranquil the hon. gentleman well knew—that the Catholic Association existed was also true—but, between these two facts, there was no connexion whatever. He believed that the tranquillity of Ireland was owing to the justice, the equanimity, the moderation, and the policy of lord Wellesley, and certainly not to the measures of the Catholic Association. He should rather say that Ireland was tranquil notwithstanding the Association. But, if they looked beyond the present, and supposed that parliament neither attended to the threats nor the petitions of the Association, and emancipation were refused, what then was to be expected for the tranquillity of Ireland at their hands? Let the House look to the language which had, from time to time, been made use of by the leaders of the Association in and out of that assembly. They would find the people of Ireland addressed thus:—"Every field is a redoubt, and every mountain a tower of strength, six millions of people cannot long remain unattended to, and Ireland may shake off her oppressors, 'Like dew-drops from the lion's mane.'" Was this the language of intimidation or not? Was it from such language as this that the peace of Ireland was to be expected? He, however, desired to be understood as not joining in the apprehensions which some persons expressed. He believed that in the progress of the Association, its promoters might have gone further than they intended. They did not, he believed, at first contemplate the use of language of an equivocal nature, which any person could construe as seditious, from any seditious intention he fully acquitted them. He knew that many of the leading members of the Catholic Association were honourable men; but the applause of public assemblies was seldom given to the most moderate, and thus men were led to adopt sentiments, such as, in the moments of sober reflection, they would disclaim. If a strong feeling against the Association were expressed by that House, he did not share the apprehensions of those who predicted a more tenacious adherence to their object on the part of its leaders. He believed that they would have too much consideration for their own characters and honour to engage in a mean contest of evasions, although he knew that their talent could supply them with the means of evading the power of Parliament for a considerable time. Sure he was at least, that the peers connected with that body would never stoop to such a course. The Kenmares and the Fingals would never lend the sanction of their high names, in order to oppose what was the decided sense of that House, by a system of pettyfogging and contemptible equivocations. He was sensible that no such degradation of honourable minds could be anticipated, and that the decision of par-

liament would be respected. The speech of an hon. and learned member opposite supplied him with a case which bore directly upon this point; and as one precedent, to a member of the hon. and learned gentleman's profession, was worth many arguments, he would revert to it, as a splendid example for those who had the power of adopting it upon the present occasion. He alluded to the conduct of the volunteer Association, which spontaneously dispersed, upon a disapproving resolution being expressed by the Irish House of Commons. The hon. and learned member then read a passage from a speech delivered by Mr. Justice Day, in the Irish House of Commons in the year 1793, in which, alluding to the conduct of the volunteers, he states, "that having been rebuked on the 29th November, 1783, by the nervous and manly eloquence of Mr. Yelverton, the then attorney-general, who had no hesitation in pronouncing their assembly to be unlawful, they broke up their assembly, separated to their homes, and to the cultivation of the pursuits of peace." That such may be the conduct of the Catholic Association on the present occasion, I will not presume (said the hon. member) to say that I expect; but, surely I may be permitted to express my earnest hope, and fond desire, that they may profit by this noble example; convinced as I am, that such conduct will best promote the interests of the Catholics themselves, and tend to the general tranquillization of the country.

Mr. *Dominick Browne* apologised for rising so soon after the learned gentleman who had just sat down; but there were some remarks which he had made relative to Catholic jurors which he felt it his duty to notice. First, perhaps, he should say, that he did not know how the Association could be put down; or what utility there would be in doing so, if it could be effected. Generally speaking, there could not be said to be a denial of justice to the Catholics; the fault was not in the law, but in the system which placed the Catholic and the Protestant in a false position towards each other: and men must be more than men usually were found to be, if their prejudices had not some operation upon them, either in the jury box or elsewhere. In the faults of so vicious a system he attributed no blame to lord Wellesley or to his right hon. friend the attorney-general for Ireland. They had effected a beneficial change; but enough had not yet been done. The Protestant and the Catholic should be placed on the same equality. The Catholic Association sought for the people that equality; and, whatever their faults might be, there could be no doubt that the Rent had been the means of uniting all the Catholics of Ireland, and the Catholics of England with them. Their proceedings might frighten the timid in this country; but the greatest step they had taken, in furtherance of their claims, for the last ten or twenty years, was decidedly the institution of the Catholic Rent. He wished to say nothing which had a tendency to produce inflammation, either in this country or in Ireland; but he was bound to speak the truth, as he had ever done on the all-important question of the Catholic claims, which he considered to be involved in this discussion. He was not prepared to say abstractedly that the Association was consonant to the British Constitution; but when he looked to the condition of Ireland he thought it as small an evil as could well be expected to grow out of that condition. Although Ireland had now been many years united to England, what he would call the colonial system was still maintained, and every place of importance, in church and state, was given to Englishmen. That of itself was sufficient to create discontent amongst the mass of the people. It had been said, that the Catholic Association was not consonant with the spirit of the British constitution; but other things might be mentioned which were in opposition to the spirit of that constitution: for instance, the Insurrection act, the Whiteboy act, and the 20,000 troops kept up in Ireland. And yet he neither wished the army to be reduced, nor the Insurrection act altogether dispensed with. But he wished to see the Catholics in possession of their just rights; and he would not therefore vote for any further abridgment of the liberties of the people. He was satisfied, that it would be better for Ireland if the ministers were unanimously opposed to the Catholic question, instead of being divided for and against it. He had rather that the question should not be brought forward by any part of the cabinet, until it could receive the support of the whole body. Ministers seemed to consider the Catholic question as a matter of secondary importance. In his opinion, it was a subject of primary importance, and su-

perior in interest to the recognition of the states of South America, or the proceedings of the Holy Alliance. The worst government which Ireland could have was one divided, like the present, on the subject of the Catholic claims: the next best government she could have would be one united against those claims; but, the best government of all would be one that would come manfully forward and say to the people of England, that the Catholics of Ireland ought to be admitted, within the pale of the constitution, and until that should be done that Ireland would be only a burthen and a source of disquietude to this country. He did not think that any danger would be removed by passing the bill. The danger was not in the Association itself, but because it represented the grievances of the people of Ireland. If the bill should pass, it would only have the effect of changing the shape of the danger. He did not mean to say that the people of Ireland would be driven to rebellion. He knew, from his own observation, that the Roman Catholics, from the highest of the body down to the meanest peasant, were perfectly convinced that the strength of their cause consisted in their submission to the will of the legislature. He was speaking only of the present moment; but disappointment must produce disaffection; and disaffection in Ireland would now be a more serious matter than it was twenty years ago; for, since that period, the people had become richer and better educated. He was satisfied that if the system of coercion should be persisted in, parliament could not stop with a bill for putting down what were called illegal assemblies, but must pass a perpetual Insurrection act, and maintain an army of 100,000 men in Ireland; and after all, that would be insufficient. The people of Ireland, at the present moment, were full of hope; and it behoved the parliament and the people of this country to take care that that hope should not be deferred, or disappointed. [hear, hear.]

Mr. *William Williams* remarked, that, of all those who had spoken in favour of the Catholic Association no one had gone the length of completely justifying it. For his own part, he looked upon that body as being most inimical to the interests of the Catholics of Ireland. Having expressed those sentiments with respect to the Association he would shortly state what appeared to him the great evil under which Ireland laboured. In his opinion, the chief, indeed almost the only cause of the present unfortunate condition of Ireland was the religious animosities which pervaded every portion of society in that country, and entered more or less into every, even the most private, transaction. It must be admitted, that it was a desirable object to allay those animosities, and to unite Catholics and Protestants in the bond of Christian love. That being the case, he was of opinion that it would be a serious evil to negative the motion before the House; for that proceeding would be considered in no other light than as a triumph of the Catholics: and he believed that to give a triumph to the Catholics at the present moment would be dangerous in the extreme. On that ground, he would give his vote for the bringing in the bill, though he would not pledge himself to support it in all its details. He conceived that the putting down of the Association would be most beneficial to Ireland. He was a friend to civil and religious liberty, and felt as sincerely as any member, the claims which the Catholics had upon us. The proceedings of the Association were calculated materially to defeat the objects of the Catholic body. Feeling, as he did, the blessings that he enjoyed under the British constitution, it was his most anxious desire to extend those blessings to every class of his fellow subjects.

Mr. *Dennis Browne*, in allusion to an observation which had fallen from Mr. Dominick Browne, said, that religious feelings in Ireland were not carried by the parties into courts of justice. Throughout the whole of his experience, and that of many individuals, upon whose statements he could rely, this had never been found to be the case.

Mr. *Martin*, of Galway, said he was perfectly ready to admit all that was said by the right hon. Secretary for Ireland in submitting his motion to the House; he was ready to accede to all the deductions from the arguments laid down by the right hon. gentleman; he was also prepared to concur with the hon. member for Louth as to the magnitude of the evils resulting from the state of Ireland. But he did not think it to be his duty, notwithstanding all this, to assent to the proposed bill, because he knew perfectly well that it would fail in its operation. He did not approve of all the proceedings of

the Catholic Association. He had attended a Meeting of the Association himself, and when there, he had represented to them many of the errors into which they had fallen. When he heard it stated, in defence of the Catholic Association, that a word from that body could, and actually did, pacify the whole of the south of Ireland, and that it was strong enough to allay the angry storm, he confessed that he felt alarmed. The association could awake the storm by the same means by which they allayed it. When they extended their trident over the agitated billows, could they not use the same trident to rouse the calm into a raging storm? As they converted the storm into a calm, so could they turn the calm into a whirlpool. He would, however, warn those who introduced this bill, that it would fail of the desired effect; and if it did, we were [a laugh] not where we set out from before. The proceedings of the Catholic Association had excited a general opposition to their claims throughout England; and a knowledge of that fact might operate as a salutary lesson to the Association, to conduct themselves better. He thought, however, that it would be convenient to have a standing committee of Catholics, to communicate with on the subject of the Catholic claims. Although he approved of some of the acts of the Catholic Association, yet he disapproved of the intention of putting them down in the manner intended by the right hon. gentleman. He thought that the Catholics had acted unwisely in seeking an alliance with some hon. members on the other side of the House. It was surely not wise to confide their petition to the hon. baronet, the member for Westminster; for whom he had a great respect. It would have been much better for the Catholics to have consulted with their old friends. If he could have any influence with the Association, he would certainly advise them not to give their petition into the hands of the hon. member, who, with eleven or twelve of his friends, had taken up their hats and walked out of that House, when the Catholic question was proposed in the session before the last. How could the hon. baronet now take up the petition after he had before made his bow at the bar, and walked away with himself calling the proposition an "annual farce?" For his own part, although he did not approve of the proceedings of the Catholic Association, yet he would not give his vote for the introduction of this bill, because he knew that it would fail in its operation.

Mr. *Warre* observed, that there was no denying that Ireland was in a deplorable state, but he believed that the disease proceeded from causes that required a very different remedy from the one proposed. Much boast had been made of the salutary effects of the Insurrection act, which, as far as he could find, was without foundation; since, in the course of the year 1823, 497 persons had been apprehended under that act in the county of Tipperary, of which number no less than 461 had been acquitted. That was a strong instance of the abuse of those unconstitutional powers. He had heard nothing from the king's ministers to convince him, that if the Catholic Association were put down by strong measures, it would not be revived and renewed in some other shape. It was the expression of the feelings and sentiments of six millions of people; and, as long as they remained in the anomalous and irreconcileable state they were in at present, they would, to borrow the language of government, "give a dangerous expression of their feelings." He would have been very glad if the state of Ireland had been different from what it was; but, looking at its present condition, he could not help expressing it as his firm and unalterable conviction, that there was only one remedy. He could not but remember in the late Hanover question, the triumphant way in which the right hon. Secretary had read the new Federation of Germany, and had appealed to the excellence of its formation. There was likewise a speech of lord Liverpool's against the Catholic question on record, in which that noble earl had laid it down as a dictum, that it was absolutely necessary that there should be an exclusive religion, and had cited Holland in proof of his assertion. It was true, that old Holland bore him out in what he had advanced; but, what was now the state of religious feeling in Holland? One of the express articles of the new constitution of that country was, that no religious persuasion should disqualify an individual from serving in a public capacity; and even in the union between Holland and Belgium, in which there was much bickering and discontent, and where they were continually differing in the articles of commerce and taxation, religion was the only thing on which they did not quarrel. It

appeared as if it was determined that this country should stand still, while all others were making rapid advances in enlightened notions on matters of religion. In England it was as though we were still living in the days of William or Anne. He felt it to be his duty to oppose the bill, not only because it was his conscientious feeling that it would fail in its purposes, but because he thought that that failure would leave Ireland in a worse state than it was at present.

Mr. *Wynn* said, he certainly was of opinion, that this measure was not likely to tranquillize Ireland, if it was not accompanied with the great measure that had so long been in agitation. It was to that alone that he looked for the restoration; but he did not therefore agree, that when the main question could not be carried—when the grand remedy for existing evils in Ireland could not be obtained—therefore the House should sit still supinely, let those existing evils take their course, and not apply to the more pressing of them the best remedy that lay within its power. He hesitated not to declare, that he had always felt the passing of that great measure absolutely necessary and, he regretted the conduct of the Catholic Association, chiefly for the mischief which it had done to the Catholic cause. That Association had done more harm, more real harm, to the Catholics, than any other body which had at any time existed. It had not harmed their cause in his mind, because whatever their conduct might be, he was still convinced of the necessity of granting their claims, the more so, because he felt assured that the very granting of those claims would weaken the power of the ill-disposed among them, and put strength into the hands of those who had the prosperity of their cause at heart. But still, if it was out of his power to carry the best measure into effect, was he therefore bound to do nothing? Mischievous as the operations of the Catholic Association had been thus far, the country might rely upon it, that the worst effect of those operations was yet to come. He would not dwell upon the state of exasperation into which such a body, left to act, would at last provoke itself: let the House look at the effect, in the way of exasperation, which such a body would produce upon others. It was a well known principle in natural philosophy, that action and re-action were the same; but in political matters that was not the case, the re-action always exceeding and provoking an increase of the action again. But there was another effect likely to be produced from this cause. The principle upon which the Catholic Association had formed itself once recognized, what was to prevent the formation of counter-associations among the Protestants? What would be the end of this? Would such bodies proceed meekly? Would they compete with each other coolly, and with forbearance? Or would they not go on contending, from day to day, with increasing exasperation—one act of quarrel or violence leading only to another still more outrageous, until, in the end, the whole country became inflamed, and involved in the dispute? This last was the only result which he could anticipate. The House therefore had no alternative: it must either put down the Catholic Association, or repeal the laws forbidding and restraining all other Associations. The principle the only true principle, was, not to repeal those laws, but to make them equally operative. He had always been desirous to put down the Orange Associations; not so much from a fear of the mischief which they did in themselves, as from the dread that they would lead to the formation of such bodies as the Catholic Association. In fact, the system of Association, generally, was one of the great curses which afflicted Ireland. Whether it was a Catholic Association, or a society of Shanavets, Caravats, Peep-of-Day-Boys, Whiteboys, Defenders, or Hearts of Oak—no matter the name, so long as such Associations existed, the peace of the country was hopeless. The origin of these societies was differently laid—some said that they proceeded from the feebleness of the law in Ireland, and the uncertainty of its administration; others contended, that that very feebleness and uncertainty they themselves produced. Perhaps it was impossible to say precisely how the fact stood upon this point: the cause and the effect probably played a good deal into each other's hands. Where the law was weak and its administration uncertain, men would be driven into Associations for the sake of obtaining justice: on the other hand, while such private leagues were in operation, public justice never could be fairly administered. This principle was universal; history was full of examples of it. In Scotland, for years after the Union, the administration of justice had been most feeble. It was

perfectly understood that before a jury of one clan, a man of another clan, could not have a fair trial. No longer back than the year 1752, a most curious instance to this effect had occurred in the trial of a poor man named Stewart. The panel had observed, that it was the first time it had been supposed possible that a Stewart could have a fair hearing before a jury of Campbells, with a Campbell (the duke of Argyll having gone down expressly for the occasion) sitting as the judge.* With reference to the immediate proceedings of the Catholic Association, the hon. member for Queen's county had insisted, that, admitting the statement of the Association's interference as to the case at Ballybeg to be true, still, in that case, as well as in the other alluded to, the innocent persons had been acquitted. Why, they had been acquitted no doubt; but for that they might rather thank their own innocence, than the justice of the Catholic Association. They had been acquitted, because their cases had been so clear as not to leave a shade of doubt; but what effect might not the calumnies heaped on them have produced, if the matter had admitted of a question? The principle it was, that he contended for. Could there be a hesitation in any man's mind upon the subject? The question was not, had an improper interference procured an unjust verdict—or had it power to do so? The country was bound to prevent the possibility of such a consummation. Why, what would be said in England—in any country where there was even a semblance of administering justice—of every means taken to prejudice the case of a prisoner, be his crime what it might, in the mind of his jury, before he went to trial? It was a course too monstrous to be even argued about, far less to be defended. He saw no way of ending these evils, but by an act like that which was now proposed. Had it been an act peculiarly to put down the Catholic Association, he would never have consented to it—for he never would have consented to any law which went to make a difference between Protestant and Catholic; but he felt that the system of Association had always been one of the most mortal banes to the prosperity of Ireland; and therefore he supported the present bill, as one which struck equally at societies on one side and on the other. Honourable gentlemen had said, that the measure would be ineffectual: he hoped otherwise, and he believed the prophecy would not be found a true one. He thought that the mere expression of parliamentary opinion would have its effect. Let the House look at the acts of coercion which it had been found necessary to pass in this country. They were full of loop-holes, every one of them, by which they might be evaded; but they had succeeded, and perfectly, for the country had a willingness to conform itself to the desire of the legislature; nor had he a doubt that even the discussion which had already taken place with respect to the Catholic Association would induce many to abandon it. Those who really desired to promote the nominal object of that Association, the restoration to the Catholics of their rights—he did not mean to use the term "rights" invidiously, but claims to which no sufficient objection could be made might be termed so—those persons who were really anxious for the promotion of Catholic interests, would feel that, in continuing with the Association, they injured the cause which they supposed they were supporting. Some doubts had been raised as to whom the measure originated with; some had mentioned this person, and others that, but he could assure the House, that it was not a measure proceeding either from one part of the cabinet or another, but a measure that had been universally adopted by his majesty's ministers, from a general conviction of the great utility that was likely to be derived from it. With respect to the question of Catholic emancipation, into whatever hands it might be trusted, he felt it to be a great public question, and he should give it his warm support.

Mr. *Calcraft* said, he never recollected a question of deeper importance, and which affected more nearly the vital interests of the empire, than that which was now under the consideration of the House. He was satisfied, that if it were attempted to stifle the voices of the Catholics, by this or any other measure, and if the just rights of that body were not conceded, visitations would be perpetually occurring, in the shape of conventions, Catholic boards, and Catholic Associations. Notwithstanding the professions of the right hon. gentleman, he must say, that he could not put much faith in the sincerity of those who, while they expressed their desire to

* See Howell's State Trials, Vol. XIX, p. 11.

do justice to the Catholics, continued to form part of a government which declared concession impossible. The right hon. gentleman had said, that he would put down the Catholic Association, because it would lead to counter-associations. Why; it was in itself nothing more than a counter-association, created in opposition to those Orange associations, which the right hon. gentleman had declared himself as willing as any man could be to denounce. The House was told of acts of coercion passed with respect to England; but, there was no body in England situated as the Irish Catholics were situated. He confessed he hoped that the Catholics of Ireland would continue united; and, as long as they assembled in a legal and constitutional manner, he trusted they would continue to press their claims upon parliament until they obtained them. He never remembered to have heard a minister come down to the House of Commons and ask that body to prevent the subjects of the realm from meeting to discuss their grievances, upon proof so lame and defective as that offered by the right hon. secretary for Ireland. Here was the country itself in a state of tranquillity greater than any man recollected; a society the proceedings of which were all open; there was no insurrection threatened, no green-bag produced, none of the ordinary paraphernalia to give weight to such a demand; and yet the House was called upon to pass a bill, which forbad the Catholics from seeking to obtain those rights which they were entitled to. True, it was alleged, by the hon. member for Louth, that great fears as to this Association were entertained in Ireland; but these fears were feigned. From sources which he could not doubt, he was assured that no such apprehension existed. The timid might be alarmed; the tyrannical and the designing would pretend to be so; but the ministers of government knew that no cause for alarm existed, and that rumours had been set afloat, tending to create it, which had no foundation. The right hon. gentleman who had last spoken, expressed his belief that the Catholic Association would not resist the bill before the House. He (Mr. C.) felt convinced that they would not resist, because they would anticipate it. Long before the measure could pass, the Association against which it pointed would have faded away, to meet again directly in some other form, equally suited to its purposes. It could not be suspected that the Catholics had any thought of carrying their rights by force. They could not entertain such an idea, and be attached to the state and the constitution, as he believed them to be. But, if the House thought it possible that by bringing in this bill the progress of their great work would be impeded—that the concentration of their numbers would be checked, and their collections of money for general purposes be prevented—if hon. gentlemen expected to see that, they would find themselves disappointed. The formation of this Catholic Association was deplored. What less than the formation of such societies, under the circumstances of the country, could be expected? Did hon. gentlemen remember the visit of his majesty to Ireland? He (Mr. C.) had happened to be in the country at that period; and never had he witnessed so enthusiastic a burst of loyalty. Had this expression been confined to the Orangemen? The Catholics had been the most forward in it, and the most sincere. And yet, any man might have seen, without possessing the gift of prophecy, how the cause of Ireland would be disposed of. His majesty came with lord Sidmouth in one hand, and with the marquis of Londonderry in the other. From such a conjunction, was there any thing to be hoped? At such a sight, well might Ireland have exclaimed "My bane and antidote are both before me! This in a moment says the bill will pass: but this assures me it can never be!" The warmth of language used by the Catholic Association had been complained of; but what was more natural than for large bodies who had substantial grievances to complain of, to give vent to their complaints in warm language? The expression in the Address issued by the Association had been made the subject of complaint. An invitation to peace, "by the hate you bear the Orangemen," was an expression which, no doubt, sounded strangely to English ears. But, the meaning of this passage had been greatly perverted. The hatred alluded to was not the hatred of Orangemen personally, but of a system of bigotry, tyranny, and misrule. It was the hatred of those who barred the adjured of the blessings of the constitution of their country: who had plundered them, crushed them, trampled on them for centuries. It was in the name of their hatred to this course, and to the inventers of it, that the Address charged them to forbear from joining illegal socie-

ties, from associating with Whiteboys, or any other boys. The point the Association had to carry was an anxious one: and it used the language most likely to impress those they were addressing. He had no affection either for Catholic or Orange Associations, but he knew what would be the result of endeavouring to keep Ireland under the brand by which she was at present degraded. The only remedy for the grievances of Ireland—the only means of restoring complete tranquillity to that country—was the concession of her just claims: all other nostrums would prove ineffectual. It had been said, that the Catholic question was more unpopular in this country now than it had been before the Catholic Association existed. He denied that this was the case. On the contrary, he believed that the Catholic Association had directed the attention of the people of England to the strength, power, and resources of the Catholics, and that this country was more prepared than ever to concur with any government which would restore the Catholics to their just rights. It had been asked whether we could safely suffer the Association to go on? He saw not the slightest danger in suffering it to go on, so long as its proceedings were legal. His own opinion was, that any Association, where money was collected in the poorest country in the united kingom, would naturally go off in a very short time; as far at least as the collection of money was concerned. Immense sums had been talked of; but, what was the real amount of the money that had been collected? Why, the whole sum that had been collected did not exceed 9,000*l.* If they looked to the sums collected by Bible-societies (which he was not calling in question, for he believed their funds to be very properly and constitutionally collected) they would be found to be treble, quadruple, and quintuple the sum which was considered so dangerous in the hands of the Catholic Association. He could not conceive for what possible purpose the prospect of a calm and tranquil session had been disturbed by the introduction of this measure. It had been said in another place, that this was an Irish measure adopted by the English cabinet; but he would not do the marquis Wellesley the injustice to believe that he had advised this measure, without doing what, if rumour did not speak falsely, he actually had done; namely, proposing, at the same time, some alternative, the adoption of which would have rendered the measure totally unnecessary. His despatches had not been produced, because they were not in tune to the ears of his majesty's ministers, and they preferred therefore to legislate in the dark, or upon the statement of the right hon. secretary, who, in his very singular speech, had made two or three admissions, which completely overturned the whole of his case. One point which had been much insisted on was, that there was no opposition in the Catholic Association; it was not surprising that this should be deemed a capital defect by so divided a cabinet as that of Ireland, which had so uniformly acted upon so paltry, tinkering, pettyfogging a system of administration. He had the highest respect for the character and talents of the marquis Wellesley; he had accepted the situation of lord-lieutenant under circumstances of extraordinary difficulty; but, the moment he found the right hon. gentleman opposite was appointed his secretary, he felt that no good would be effected for Ireland. When the chancellor of Ireland absented himself from Dublin, because he would not swear in the lord-lieutenant, this was a pretty strong omen as to the sort of government Ireland was to expect. After this, when he found that the marquis Wellesley did not stand out, and insist either upon his own recal or the dismissal of the chancellor, he felt that the fate of Ireland was sealed during his administration. He (Mr. C.) denied that any alarm existed in Ireland, except what was raised by the Orangemen, who, he believed, wished to double the army, in order to put down the Catholics. He did not expect any resistance on the part of the Catholics. They were fighting their way by the legitimate force of property, and education, by increasing numbers, intelligence and wealth. If we refused to give emancipation to the Catholics now, he was satisfied that not many years would elapse before we should be obliged to grant it.

Mr. *Plunkett* said, he stood in a situation which required the utmost indulgence of the House. The subject before the House had been so fully discussed in all its parts, that he felt it impossible for him to add to the arguments that had already been adduced in its favour; and he should not have obtruded himself on the House in the course of this debate, if it were not to declare his view of the state of that country to which this question immedi-

ately related. That was his object, rather than the hope of throwing any additional light on the subject then before the House. He confessed that he never had risen in that assembly with emotions of greater pain, nor did he ever approach any question with feelings of deeper apprehension than he approached this. It was said, that the measure now proposed was contrary to the popular principles of the constitution; *and that it was intended, through* a breach of those principles, to wound the cause of the Roman Catholics. The measure had been denounced, by gentlemen whom he highly respected, as one that was likely to be attended with circumstances of the most ruinous nature. These, certainly, were very heavy imputations on the proposition made by his right hon. friend; but he must say, that down to the present moment, they rested on mere assertion, and were unsupported either by argument or proof. Coming, however, from persons of so much sincerity and ability, as those to whom he had alluded, he was led almost to doubt the evidence of his senses, and to distrust the proofs which the converse of the proposition laid down by those gentlemen was capable of receiving. He trusted that, upon consideration, it would appear to the House, that the proposed measure did not interfere with any of the popular privileges of this country; he trusted also it would be found that it did not affect the Catholic question; and he confidently trusted that none of those disastrous consequences would flow from it, which some gentlemen seemed to anticipate.—The question rested not on ordinary grounds; it rested on the ground of imperious and essential necessity. The safety of the state made the adoption of this measure absolutely necessary. Before he proceeded further—before he touched on incidental points he would call the attention of the House to the real nature of the question which was proposed for consideration. It had been argued very generally on the opposite side of the House, that this measure attacked, most materially, the privileges of the Catholic body: but he begged leave to say, that it went to attack all illegal and unconstitutional institutions, whether arrayed on behalf of the Roman Catholics or against them. This was not a single measure—it was not a measure hastily taken up: it was adopted in consequence of a communication from the throne, which communication also recommended, that the entire state of Ireland should be taken into consideration in the course of the session. The situation of that country was to be considered, not with reference to any particular point, but with reference to all points; and from those of course it was impossible the Catholic question could be excluded. It was necessary to pursue this course, for the purpose of curing the *evil, of which the Catholic Association was only a symptom.* He could not, therefore, conceive, let the individual be ever so sincere a friend to Catholic Emancipation, how he could object to the proposed measure, accompanied as it was by the declaration contained in the speech from the throne. It was said, and truly said, that, at the moment when the peace of the session was likely to be disturbed by the bringing forward of this measure, Ireland was in a state of peace and tranquillity. And his hon. friend, who spoke last, wondered why such a measure, under these circumstances, had been resorted to. He would admit that Ireland was in a state of peace and prosperity. She had participated in the general prosperity of the empire. She had been enabled, by the noble lord at the head of the government, and by the measures which he had matured (measures of the most wise and temperate description), to enjoy the blessings which were the offspring of internal tranquillity. Those measures had been properly administered; and public confidence had, in consequence, been restored. The noble marquis, when sent to Ireland, had found that country in a state nearly bordering on rebellion. He softened down the feelings of exasperation that existed, and the people soon placed confidence in the justice and benignity of his administration. It was a great blessing—it was a most gratifying object—to behold that country now floating on the tide of public confidence and public prosperity. She was lying on the breakers, almost a wreck, when the noble marquis arrived; and if he had not taken the measures which had been so successfully adopted, she never could have floated on that tide of public prosperity.

He could not agree with the hon. and learned member for Winchelsea when he asserted, that the return of peace and tranquillity to Ireland was attributable to the exertions of the Catholic Association. But, even if that position were true, still it formed a reason for adopting the present

measure; because, as the hon. member for Galway (Mr. Martin) had very properly said, all argument as to the necessity of this measure was at an end, if once the existence of so formidable a power was admitted. If the Catholic Association could put down those who were illegally inclined, could they not raise them up again, if they thought proper? "Tollere seu ponere vult freta." And here he *would beg leave to say, that amongst the persons who were most active in effecting* this restoration of order and tranquillity, and in convincing the people of the advantages which were derived from an equal administration of the laws, were the Catholic priests of Ireland not the Catholic Association, who arrogated to themselves all the merit, who wished to run away with all the praise that was due to the nobility, clergy, and gentry, of the country [hear]. The Roman Catholic clergy had, without any dictation from that body, preached to the people the principles of religion and of peace. He said this in justice to that most useful and most calumniated set of men. Having borne this testimony to the tranquillity and prosperity of Ireland, the question naturally was—"Why, when the state of things is so flattering, do you bring this measure forward?" He would answer, that, although he never remembered a period when greater prosperity prevailed in Ireland, yet he never recollected a time when so great, when so violent a degree of excitation existed in that country; and he knew that much alarm was felt on account of the danger that might arise, if the present system were allowed to go on with a progressive increase of strength. That very considerable alarm existed in the minds of many Protestants, it was impossible to deny. He did not mean to contend, that this alarm had not been exaggerated: that it had been very much raised by wicked and interested persons, he readily admitted: but the desperate conduct of this society had tended to verify the justice of the fears and apprehensions that had been conjured up. An hon. member had, in the course of his speech, admitted that in the parts of Ireland in which he had been, he had observed that this excitation was powerfully alive. He further said, that amongst the Roman Catholic population, he had observed more excitation and expectation, than he ever remembered to have witnessed before; and he asked, whether this was not a reason for immediately granting the Catholic question? He (Mr. Plunkett) sincerely wished to grant the claims of the Catholics; but if they could not grant them, were the legislature, therefore, not to make provision for any circumstances of danger which they might have reason to apprehend? [hear, hear, from sir F. Burdett.] The hon. member for Westminster appeared to notice this proposition. He wished him to do so. If this measure of *Catholic emancipation* were not granted by the House, was the refusal, he would ask, to be submitted to, or to be resisted? Because, the answer to that question involved the justice or the reprobation of the measure now before the House. The fact was, that if the Catholic question was felt to be of that paramount importance which called for instant adoption (and to that point he went), there was no necessity for this institution; but if the measure of Catholic emancipation was not adopted, and if the refusal was to be resisted by the physical force of Ireland, then, he contended, that this was an Association which ought to be opposed as well by the friends of the Catholics as by those who were adverse to their claims [hear]. Before he proceeded further, he would very shortly remind the House of the nature of this Roman Catholic Association. He did not mean, after the luminous statement of his right hon. friend, and the remarks which had been made in the course of the debate, to give more than an outline of the Association; confining himself strictly to those points which he deemed essentially necessary. It appeared that this society was formed on a plan different from those numerous defiances of the law which had existed in Ireland. A number of gentlemen had, it seemed, formed themselves into a club, not merely for the purpose of forwarding the Roman Catholic question, but "for the redress of all grievances, local or general, affecting the people of Ireland." He quoted the words of their own address; and he must say, that those parties undertook, on the moment, as many important subjects as ever engaged the attention of any body of legislators. They undertook the great question of parliamentary reform—they undertook the repeal of the Union—they undertook the regulation of church-property—they undertook the administration of justice. They intended not merely to consider the administration of justice, in the common acceptance of

the term, but they determined on the visitation of every court, from that of the highest authority, down to the court of conscience. They did not stop here. They were not content with an interference with the courts; they were resolutely bent on interfering with the adjudication of every cause which affected the Catholics, whom they styled "the people of Ireland." Here was a pretty tolerable range for their exertions. He did not deny, that if a set of gentlemen thought fit to unite for those purposes, it was in their power to do so; but then comes the question as to the means which they employ; and those means I deny to be constitutional. They have associated with them the Catholic clergy—the Catholic nobility—many of the Catholic gentry, and all the surviving delegates of 1791. They have established committees in every district, who keep up an extensive correspondence through the country. This Association, consisting originally of a few members, has now increased to 3,000. They hold permanent sittings, where they enter upon the discussion of every question connected with the peace and tranquillity of Ireland. This I think is a pretty strong case in favour of the opinion, that their existence is not compatible with the security of the state. With this, however, they were not satisfied. They proceeded to establish a Roman Catholic Rent; and in every single parish of the two thousand five hundred parishes into which Ireland is divided, they established twelve Roman Catholic collectors, which, taken together, makes an army at once of 30,000 collectors [hear, hear!]; unarmed I admit; unarmed in every thing but prayers, entreaties, and influence. Having raised their army of collectors, they brought to their assistance two thousand five hundred priests, the whole ecclesiastical body of that religion; and thus provided, they go about levying contributions on the peasantry. Now, I say that this is a direct violation of the principles of the British constitution. I do not say that it is illegal in the strict sense; for if it was, the Irish government would be able to prosecute, and need not have come here for a remedy; but it is going far enough to say, that parliament is the recognised legislature, and that the Association has gone so far as to assume its functions, to justify the position, that they had violated the principles of the constitution.

In proceeding to state my view of the constitutional question, I am aware of the high authorities in whose presence I speak, and of what I owe to them and to myself. But, nevertheless, I will say, that an Association assuming to represent the people, and in that capacity to bring about a reform in church and state, is directly contrary to the spirit of the British constitution [hear, hear!]. Let me not be misunderstood. Do I deny the right of the people, under this free constitution, to meet for the purpose of promoting the redress of grievances in church and state, by discussion and petition? Most certainly not. Do I mean that they have a right to increase their numbers, and to form themselves into clubs and bodies? Certainly not. But I do deny that any portion of the subjects of this realm have a right to give up their suffrages to others —have a right to select persons to speak their sentiments, to debate upon their grievances, and to devise measures for their removal, those persons not being recognized by law. This was the privilege alone of the Commons of the United Kingdom; and those who trenched upon that privilege, acted against the spirit of the British constitution. I will not assert that there may not be cases where no danger would be likely to arise from such an assumption of authority. But I must treat the case now before the House as it really stands; and I contend, that if there be a body of people in Ireland—I care not whether they amount to 6,000 or more—who stand forward as the representatives of six millions of their fellow-subjects, such an assembly is illegal. That is the point which the House has to consider. So far as that assembly is opposed to the authority of the House of Commons, it is, I maintain, guilty of a daring infraction of their rights. It was not (Mr. Plunkett said) the amount of "the rent" that he complained of: it was the principle that he complained of. For some purposes, such a contribution might go on fairly: but, in this instance, might not the Association, through the medium of the priests, declare, "We are the persons who represent the Roman Catholics, and we have a right to wield the power of the state." Was this a state of things to be endured? If they did not put it down, would it not, on the part of the legislature, be an abandonment of that duty which they took upon themselves to discharge for the benefit of the country? Could

the government answer such a dereliction of duty to the country at large? If the power of the country was seized and wielded by those individuals, who could answer for the consequences? Even if they were the wisest and worthiest men that ever wielded the resources of any state, he would not allow them to have a government of this description. He would allow this species of power to no man, unless he was subjected to that wholesome control, to that salutary check, which was formed for a purpose the most beneficial—that of preventing those abuses which might exist under any system of government. But, to whom were these individuals accountable? Where was their responsibility? Who was to check them? Who was to stop their progress? By whom were they to be tried—by whom were they to be rebuked—if found acting mischievously? If the executive in the state wielded great powers, the constitution pointed out the mode in which it was to be done. But, in this instance, the society assumed the power both of the legislative and executive bodies, and rejected all the checks by which the latter was hemmed in and surrounded. Let the House look to the nice balance which was preserved in this (for so he must denominate it) our popular constitution. If the House of Commons could assemble whenever it pleased—if it could continue to sit as long as it pleased—why, in a short time the entire authority of the state might be swallowed up in the representative body. In that case, however, there was an efficient check; but these gentlemen were subject to no control. They met when they pleased; and in point of fact they were in the habit of sitting from January to December, and of exercising their powers with as much strictness and severity as any absolute monarch could do. Gentlemen in that House who did not know what was passing in Ireland were not aware of the formidable instrument—more formidable than the sword or the purse—which was exercised by this Association in Ireland. Individuals connected with them went into every house and every family; they mixed in all the relations of private life, and afterwards detailed what they had seen or heard with such a degree of freedom, with such a degree of publicity, with so great a want of restraint, that it really required more courage than belonged to ordinary men to express a fair and candid opinion. The numbers of the Association were increased, in consequence, from time to time, by a body, he believed, of right unwilling conscripts. That body which, in its outset, was viewed without jealousy, had increased to three, thousand, who had actually met.

There was but one other topic, and on that his right hon. friend the Secretary for Ireland had already touched, to which he felt it necessary to refer—he meant the interference of the Catholic Association with the administration of public justice. He could not conceive a more deadly instrument of tyranny, or a proceeding more irreconcileable with justice, than this was. The Association claimed to represent—whom? To represent six millions of the people of Ireland; and then they claimed the right of denouncing, as an enemy to the people of Ireland, and of bringing to the bar of justice, any individual whom they chose to accuse (no matter on what grounds) of having violated the rights of that people. Was not this a mockery? Could the party so accused come safely to trial, when the grand inquest of the people of Ireland were his accusers? and when those accusers had in their power the application of money levied on the people of Ireland? The consequence must inevitably be, that magistrates and persons in authority must yield to such a power, or else they must array themselves against it. Looking to the consequences, he knew not which was the worse alternative. In either case the country must be a prey to wretchedness. The courts of justice would be converted into so many arenas, where the passions of those who appeared in them would be displayed with the utmost malignity. There party would be opposed to party, and thus would those courts become scenes of factious contention. And, when such was the state of things, the marquis Wellesley must be content to lie under the heavy reproach, the painful imputation, of not having allowed this institution to die of its own follies! The noble marquis, in accordance with the rest of the government of Ireland, wished to put that Association down; and, in his (Mr. P's) opinion, the determination was a wise one. Was it, he asked, to be desired, that an institution of this kind should be kept up, merely because it was supposed by some individuals, that it was impossible to carry the measure of emancipation by any other mode? Of what materials did gentlemen think the Protestants of

Ireland were composed, if they imagined that the Protestant body would not establish a counter-association? Would they not seek the means of defending themselves? He did not believe that amongst the Catholics there was any present intention of having recourse to force. He believed they were peaceable in their intention; but he would say they were not their own masters. They must obey the command and behests of those under whom they had placed themselves. Was it the intent of those leaders to adopt violent measures? He did not say it was; but he would say that even those leaders were not their own masters. If they got the dregs of the population under their command, and if that population became irritated, they might rest assured, however good their intentions might be, that desperate men would take the lead of them, and produce a catastrophe which they did not now contemplate. They would be forced down that precipice where they now meant to stop, as surely as a man, placed on the brink of a steep rock, and pressed from behind by a million of persons, must give way to the power which pushed him onwards. It was, therefore, no answer to his argument to say, that the intentions of the Association were now honest and peaceable.

He would now turn to another part of the subject. The Convention act, notwithstanding all the reprobation that had been bestowed upon it, was a very useful act. It was framed by one of the ablest lawyers of the day—the late lord Kilwarden, at that time Mr. Wolfe. He was an honest man, a sound lawyer, and an ardent lover of the constitution. At the very period of his death, he proved his attachment to the constitution. He expressed a wish that no man should be brought to trial, or punished for his murder, except in accordance with the established and known law of the land. The Convention act provided for the case of election and actual delegation. It did not, however, touch the Catholic Association, where no election or delegation actually took place. But did it not come to the same thing, if an individual assumed to act on behalf of a great body, and called meetings in every county throughout the country? Was not the principle precisely the same? Here were persons who proposed to act in the name and on the behalf of the people. Surely those against whom the Convention act was directed did no more. It was not too much to say—as he had said in the outset—that they were called on to legislate in the spirit of the constitution. The salus populi, which was truly the suprema lex, demanded that they should put an end to this institution.—

But gentlemen said, "although the mischief is great, you ought not to proceed, because there is another remedy—that is the granting of Catholic emancipation." He would state his opinion once for all, on this subject. He considered Catholic emancipation, and he had always done so, as that measure, without which all other measures to render Ireland contented and tranquil must be ineffectual. He looked upon the emancipation of the Roman Catholics as a claim of right and justice. It would baffle human ingenuity to furnish any good argument against it. On public grounds of justice emancipation ought to be granted; and he thought it was utterly impossible much longer to delay it. Early in life he had set out with that impression, and he was daily more and more convinced of the accuracy of his opinion. He felt the policy as well as the urgency of granting it. These were his sentiments. They were such as he had always expressed, and which he never would abandon. But, when this alternative was proposed to the House instead of the measure now before them, the question was, "Can we have it?" He thought not. But those who opposed the proposition now under discussion, turned round and said, "Because we cannot have that measure, do not put down the mischief, the existence of which we admit." This appeared to him to be bad reasoning. The question, then, arose, "By whose fault was it that we could not have it?" Let that question be examined, and let those by whose fault it arose give the answer: but, whether or not they could name those with whom the fault lay, if fault did exist, still there were circumstances which obliged them to resort to the present measure, as the only one which could immediately give an effectual check to a great growing evil. He would repeat, if there were persons who had the power to do away with the necessity for the present proceeding, and neglected the means, they were answerable for the consequences. [Hear, hear].

He would now, with the leave of the House, endeavour to examine that question and to meet it fairly, and would be ready to take his own share of responsi-

bility on the occasion. Before he proceeded, he entreated of hon. gentlemen on the opposite side, that if in any thing which he might feel it necessary to say for his own justification, he should appear even for a moment to bear hard upon them they would not consider it as an intentional attack. He assured them he had no such intention. Nothing was further removed from his wish than any inclination to attack any members for the line of conduct they might have thought proper to adopt; but, it was necessary that he should state all that bore fully upon the point. He only wished that, while he thus placed his own conduct under examination, and put himself upon his trial, he might be allowed to file a cross-bill, and put those who accused him on their trial along with him. The right hon. and learned gentleman then alluded to his former conduct with respect to the Catholic question, and to ministers, in nearly the following words—"Sir, in the year 1813, I was, as I trust I ever have been, a zealous friend of the Catholic question. In that year the question was introduced by my lamented friend Mr. Grattan, to whom the Catholics had already owed so much. My friend, on that occasion, was pleased to put a value on my services to which they were not entitled; but undoubtedly he could not overrate the zeal which dictated them. Sir, at that time, I argued the question on its plain and firm grounds—those on which it had formerly been so ably urged by others. The speech which I then delivered was afterwards published. Hon. members may be familiar with parts of it, for they have, from time to time, been quoted here by several gentlemen. A part of it was last night read by the hon. and learned member for Lincoln (Mr. J. Williams), and a part on a former occasion by the hon. member for Westminster (sir F. Burdett). I do not mention this as having any objection to it; I would not even object to the whole being entered among the standing orders of the House, to be read by gentlemen as often as it answered any purpose. In that speech, I said, that it was to be lamented that the Cabinet were so divided upon the question of Catholic emancipation. I added, that if after having given the subject their most mature consideration, they could not, as a body, make up their minds upon it in one way or another, they were answerable to the public for the consequences of leaving such a measure as a constant source of irritation. If the hon. baronet (sir F. Burdett) does not think that this is the meaning of what I said—if I added any thing more, that might seem to militate stronger against my subsequent conduct and my present opinion, let him point it out, and I assure him I will read it to the House immediately. I admit, with him, that the fair import of my observations on that part of the subject was, that as a friend to Catholic emancipation, I did not think I could, with honour, join any administration so divided upon it as the then cabinet was. This, Sir, is, I think, a full and fair admission of what were my sentiments in the year 1813. Now, Sir, I as frankly and distinctly declare, that I have since changed that opinion. I once did think that I could not with honour join an administration, divided as were the cabinet of that day on the question of emancipation. I have now altered that opinion. [Loud cheers from the opposition—echoed back by the ministerial benches]. This declaration cannot be considered an evasion of the charge brought against me. It does not extenuate it, when I say that once I firmly held a strong opinion, which I have since changed and have acted on that change. But here I admit the question arises—Am I justified in having made that change? Have any circumstances occurred since then, which called for that change on my part? I think I shall satisfy the House that there have; and, in defending myself on the ground of those circumstances, I cannot avoid throwing some blame on the conduct of hon. members opposite. In my observations, in 1813, I stated, that I did not think the support given to the question by some members of the cabinet was much to be depended upon. [Mr. Plunkett here turned round towards Mr. Canning who sat near him, and said]—I can assure my right hon. friend, that my opinions in this respect had never any reference to him, whose sincere support of the measure could never be doubted for an instant. My doubts had reference to the conduct of a noble friend, now no more (lord Londonderry); and I confess I did at that time believe that in the support which he gave to the Catholic question, he was not so sincere as I afterwards found him. My noble friend, on that occasion, stated that I myself was inconsistent in expressing my unwillingness to act with a cabinet divided on the question of emancipation,

as I had before acted with a ministry, who *were not all united on that question*—I allude to that which existed when the duke of Bedford was lord-lieutenant of Ireland. In the Grenville administration, it was urged by the noble lord, that there were some who were decidedly opposed to the Catholic question. Lord Sidmouth was one, and lord Ellenborough another. I own I did not think, at the time this argument was urged, that it was sufficiently conclusive to alter the opinion which I had formed. I did believe that the administration of 1813 were unfriendly to the claims of the Catholics; and I doubted, at that time, the sincerity of some members of it, who appeared to be favourable to those claims; but I did think that an administration altogether disposed to the concession of those claims might be formed out of that side of the House with which I had then the honour to act. Sir, in making this declaration of my former sentiments, and of the change which has since taken place in them, I beg to be understood as doing so, solely in justice to my own character and motives. I do not consider that I am bound to give an explanation of my conduct to any man or particular set of men in this House. There was not one of the gentlemen with whom I had formerly the honour to act, by the wisdom of whose counsels I would in all matters be guided, except lord Grenville. With respect to all the other members of that administration, I might have departed from them at any moment, without incurring the risk of being upbraided as having given up a party to whom I stood pledged.—

But, to return to the progress of the Catholic claims. The measure founded upon those claims continued to make its way. Through the zeal and activity of lord Castlereagh, it obtained an extent of legislative support which, while it left me no doubt of its ultimate success, also removed every suspicion that I had entertained of the sincerity of that noble lord in its support. It was at that time argued with reference to the objections supposed to exist on the part of the people of England, but not with reference to what were, or what were not, the opinions of any boards or committees which had been constituted to support it. As the discussion of the measure proceeded, the number of its advocates increased, and before the death of Mr. Grattan it had already gained very considerably on the public attention. After *the lamented decease of my valued friend*, I had the honour of introducing the measure. It was warmly supported by some of his majesty's ministers, and though opposed, conscientiously no doubt, by others, it passed this House, and was carried to the Lords, and there, after a warm discussion, it was rejected, only by a very inconsiderable majority. Now, Sir, when I saw those things take place, had I not a right to believe that the question could be carried by a divided administration? I had seen it pass this House, and I saw it accidentally negatived by a small majority in the other. Was not this one fair ground for the alteration of the opinion I had formed in 1813?

But, I had other reasons for the change of that opinion. The gentlemen who sit on the opposite side of the House will do me the justice to believe, that, whether as a body, or individually, I entertained and do entertain, the highest respect for them. I respect the manly manner in which they put forward their objections to what they conscientiously believe to be wrong on this side. I do not for a moment assert that because I may differ from them, they must be wrong and I right: but, whichever was right, it must be remembered, that without ceasing to sit on their side of the House, and joining them where I could, I had frequent occasions to dissent from their opinions. They no doubt adopted the course which they honestly believed to be best. I claim the same construction of my conduct in that which I pursued. In that which I looked upon as the best, I had daily occasions to differ from them. On the question of the continuance of the war—a question the most important in its nature—I differed from them. On the question which arose out of the disturbances in 1819, I felt obliged to take my stand; and, on public grounds, I differed wholly from the view which they took of the situation of the country. On the question of parliamentary reform, I also differed from them. In short, upon almost all the cardinal points connected with the general administration of public affairs, I found that our opinions were wholly different. But, it was not I alone who differed from them in their views on many important questions; I found the public also differed from them on many most material points; and that, not possessing the confidence of the public on so many questions, they did not contain

within their body the materials out of *which a Cabinet could be formed with* any prospect of carrying the question of Catholic emancipation. When I thus found, that on the one side there were a set of men, who, though not altogether agreed on the subject, could carry that question—when I found on the other a party, who, though agreed upon that point, did not possess sufficient influence to carry it—and when I knew that on many very leading questions of great importance I was conscientiously opposed to that party, to which I had never stood pledged, where, I ask, was my inconsistency in taking office, in obedience to the gracious commands of my sovereign? I have thus stated the reasons which induced me to take office, and to change the opinion I had expressed in 1813. I am not ashamed of those reasons, or unwilling that my conduct should be judged by them, either in this House or before the public. And though I think those reasons a sufficient justification of the course I have pursued, yet, if there should still exist any one who, directly or by implication, should impute to me, that I have accepted office merely for the sake of place or of profit, and without any regard to political consistency, I will appeal to the history of my life, and to the sacrifices I have made for that consistency, for a proof of the fallacy of the imputation. Let me but be judged by the facts connected with my whole public conduct, and such imputations will fall as unfounded calumnies [Hear, hear].

It was stated, Sir, in the first discussion of this session, by the hon. and learned member for Winchelsea, that the influence of the Catholic Association originated from a feeling, on the part of the Catholics, that they were deserted by their old friends. If this was intended as an allusion to any supposed conduct of mine, or to any supposed irritation on the part of the Catholics at that conduct, I must say that the hon. and learned gentleman's statement is not borne out by the fact. I have on four occasions, since I accepted office, received the public thanks of the Catholics, assembled in aggregate and other public meetings, for my services in their cause, and those thanks accompanied with expressions of confidence in my continuance of those services. I here hold in my hand these published resolutions to that effect, but I will not read them. I should rather *that were done by any other than* myself. At a time when the Catholic petition was sent to me to be presented, I refused to undertake it, unless it were left to myself to use my own discretion as to the time when I should present it, and whether I should bring the question forward in that session or not. Those terms were conceded, and the confidence of the Roman Catholics in my exertions on their behalf remained unabated. That confidence was not withdrawn, even when I refused to present the petition as from the Association. In November last, when it was resolved that the Catholic petition should be confided to the care of the hon. baronet opposite (sir Francis Burdett), Mr. Wolfe, a gentleman of whom it is but justice to say, that a man of greater merit or more promising talent did not exist in that Association—I say, that in November last, on the motion of Mr. Wolfe, it was resolved, that the Catholics, though they had confided the petition to another, still relied confidently upon the continuance of my usual support of the measure. I do not think they could have placed their cause in more efficient hands than those of the hon. baronet; and I beg to assure him, that when he brings the question forward, he shall have my unaltered support. When he introduces the measure to the House, he may feel assured that I shall not get up and walk out, leaving him in the unpleasant situation in which I was placed on a former occasion. [Hear, hear, from the Treasury benches]. When I say this, I am far from intending to cast any imputation upon the motives of the hon. baronet on that occasion. He did that which he thought best. I do not blame him; for I do not believe that either in or out of parliament there exists a more just, consistent, and honourable character, whether viewed in the various relations of public or private life [hear, hear]. I am aware that the hon. baronet needs not any praise of mine, but justice compelsme to say thus much.

I beg pardon for having occupied so much of the attention of the House in speaking of matters personal to myself; but what I have stated was, I submit, called for by the fact of my being mentioned, day after day, as one cause of the existence of this Association, as if that could have proceeded from my

alteration of an opinion which I expressed twelve or thirteen years ago." The right hon. and learned gentleman then adverted to an extract from his speech in 1813, which had been read yesterday by the hon. and learned member for Lincoln, as a sort of evidence of another act of inconsistency on his part. He would now repeat the passage which the hon. and learned gentleman had quoted, and show the very unfair advantage which had been taken, by separating two passages which followed close one upon the other in the speech. The passage was—"Sir, it appears to me most unfair to visit on the Roman Catholics the opinions and the conduct of such public assemblies as profess to act for them; if they labour under a real and a continuing grievance, and one which justifies on their part a continued claim, they must act through the medium of popular assemblies, and must of course be exposed to all the inconveniences which attend discussion in such assemblies. In all such places, we know that unbounded applause attends the man who occupies the extreme positions of opinion, and that the extravagance of his expression of such opinion will not be calculated to diminish it. That there may be many individuals anxious to promote their own consequence, at the expense of the party whose interests they profess to advocate, is an evil inseparable from such a state of things: and amongst those who sincerely wish to promote the interests of the cause, much may fairly be attributed to the heat naturally generated by long-continued opposition; much to the effects of disappointed hope; much to the resentment excited and justified by insolent and virulent opposition." The arguments which he (Mr. P.) then used were by no means inconsistent with those he now held. He then condemned such Associations; so he did at present; but he thought now as then, that the conduct of a few individuals ought not to be visited upon the whole body. If this was the whole of what he had then said on the subject, it would not prove inconsistency, but would show that he was consistent on both occasions; but, as he had made another remark at that time which would more fully explain his present meaning, he thought it a want of candour in the hon. and learned gentleman not to have made any reference to that part of the speech. When he attacked a man for the inconsistency of his present opinions with those which he had delivered thirteen years ago, he ought, in common justice, to have stated what those opinions were. If he had only read the paragraph of his speech immediately preceding that which he quoted, it would have put his present and former sentiments on this point in their proper light, and shown that in both he was perfectly consistent. The passage omitted by the hon. and learned gentleman was this:—"Sir, the conduct of the Roman Catholics of Ireland has been resorted to as an argument for abandoning the pledge of the last session. Sir, I am not an advocate for their intemperance; I am free to say that there have been some proceedings on the part of the public bodies who affect to act for them, altogether unjustifiable. Their attempts to dictate to the entire body how they are to act on each particular political occurrence—their presuming to hold an inquisition on the conduct of individuals in the exercise of their elective franchise, and putting them under the ban of their displeasure, because they vote for their private friends, and abide by their plighted engagements—all this is a degree of inquisitorial authority, unexampled and insufferable; and this by persons professing themselves the advocates of unbounded freedom and unlimited toleration, at the moment when they are extending their unparleying tyranny into the domestic arrangements of every Catholic family in the country." One would have thought, in reading this passage, that by a happy anticipation he was foreseeing at that period that which was happening at the present. The passage proceeded thus:—"Sir, I am equally disgusted with the tone of unqualified demand, and haughty rejection of all condition or accommodation so confidently announced by them; nor can I palliate the intemperance of many of their public speeches, nor the exaggeration and violence of some of their printed publications. To this tone I never wish to see the legislature yield; but as this indecent clamour is not to compel them to yield what is unreasonable, I trust it will not influence them to withhold what is just." Now, he thought that if he had been endeavouring, without the appearance of egotism, to procure some gentleman to introduce his former conduct as compared with his present, he could not have selected any person who

could have been more effectual in showing his consistency than the hon. and learned gentleman on this occasion.

One word more as to the effect of the Association. It was, he thought, calculated to check the disposition of the people of this country, which he perceived was daily inclining them in favour of the Catholic claims. He differed from his right hon. friend (Mr. Peel) on this point, and thought that the public feeling on this point was not so confined as his right hon. friend had supposed. The people of England were beginning to see the question in its proper light. They perceived that the game of governing by division would no longer succeed, but that to have any hope of success in the mode of treating that country, a system of conciliation must be adopted. They began to be aware, that if a great deal was not done to blight the gifts which Providence had bestowed upon that country, Ireland would not hang as a burthen on, but become one of the most fertile sources of, British prosperity. The idea of the separation of the two countries was idle and absurd. It was possible, that in the lapse of ages England might share the fate of other great empires. Whenever she did fall, Ireland would most certainly fall with her; but separate they never could be. To hold out the idea of their separation as a threat to this country was puerile nonsense. In the event of a war England might rely upon Ireland. It was but an act of justice to his countrymen to say, that they would be ever found foremost amongst the defenders of the empire. But foreign nations not having the same means of knowing the real state of that country, but judging from slight appearances, might be led to form opinions with respect to its disposition towards England, as might involve us in a foreign war. So that to the people of England the state of the sister kingdom was of great importance, inasmuch as it might be the means of inducing other nations to disturb our peace.

He would not trespass longer on the attention of the House. It was almost unnecessary to add, that amongst the mischiefs which the Association was calculated to produce, that was not the least which removed the discussion of the Catholic question from the ground of sound argument and good policy, on which they were invulnerable, and substituted an idle display of physical force, as if physical force were intended to be arrayed against them. As a sincere and zealous friend of the Catholics, he would advise them to leave off the high tone which they had so long used. Their cause had great merits, and needed not such adventitious aids. With respect to the effect of the proposed measure, he was decidedly of opinion that it would be most favourably received by the best-informed and most respectable of the Irish nation. He did believe that people in that country were beginning to see the advantage which would result to them, from taking their cause out of such hands. But it was said that the Association spoke the sentiments of the Irish people. So they did—so did he (Mr. P.), and so would every man who advocated the cause of emancipation. But, beyond that, the Association did not represent the feelings of the country; and he most positively denied that the people of Ireland would think of resenting the abolition of that Association. The clergy and the country gentlemen were beginning to get tired of seeing their just influence with the people taken from them by this body; and must naturally be favourable to any measure by which it would be restored. Even the members of the Association itself would acquiesce quietly in the law which would put an end to their power. Very many of them were sensible and clever men, and must be aware of the inutility of opposition to the will of the legislature. The gentleman who was the most prominent member of that body—Mr. O'Connell—would himself be of this opinion. Mr. O'Connell was a man of great talent and acquirements. He filled the highest rank at the bar which the laws permitted a gentleman of his religion to occupy; and was deservedly considered as a man of eminence in his profession. He only knew him professionally; but he had reason to believe him to be most amiable in all the relations of private life. In his political sentiments, he looked upon him as wild and extravagant; but, nevertheless, he was persuaded that if this bill passed, neither he, nor lord Fingall, nor lord Gormanstown, nor any other gentleman connected with the Association, would ever descend to any pettifogging tricks to evade its operation. He believed that the great body of the people of the country would gladly seize the passing of the proposed bill as a favourable opportunity for getting rid of the influence of that body.

Mr. *Tierney* said, he had no desire to occupy the attention of the House after the able speech of the right hon. and learned gentleman; but he wished to avail himself of the earliest opportunity of stating his opinions upon a subject of such vast importance. It had so happened, that he had never once opened his lips in any debates on the question of Catholic emancipation. He had given that measure the support of his vote, and every other support in his power, except the slight one of speaking upon it; nor should he have thought it necessary to do so at that moment, did he not consider the present to be a crisis of great danger to the empire. The proposed measure was one, which, as it appeared, the right hon. and learned gentleman would rather resort to than another which would render it wholly unnecessary; but as that other could not, in his opinion, be obtained, he preferred the present to the having none at all. The cabinet, it would seem, could not agree among themselves upon a measure which would have the effect of a general conciliation: so, in lieu of it, they hit upon the happy expedient of proposing one which was to have directly the contrary effect. Was it not somewhat strange that this cabinet could never pull together, except when some privilege of the people was to be invaded? Upon such measures they were happily unanimous; but the moment it was proposed to enact a law which would have the effect of general conciliation to a numerous class of the king's subjects, then the right of each minister to judge for himself was recognized, and nothing was agreed upon except not to agree upon any thing which had a pacific tendency. He did not rise on the present occasion as the advocate of the Catholics: for any thing he might have done for them, they owed him nothing. What he had done in favour of their claims, he did for the general benefit of the country. His principles, habits, and opinions, did not lead him to become the advocate of the Catholics. He was not blind to the imperfections of the church of England, and no man would be more zealous than himself to oppose any measure called for by the Catholics, if he thought it in the slightest degree calculated to produce the mischief which some persons thought would arise from it. On the present occasion he was not called upon for any such opposition; but he was called upon to oppose a measure pregnant with dangerous consequences, which measure *might be wholly avoided by the adoption of another, equally within the reach of* parliament. In giving his decided negative to this notable project, he was not the advocate of the Catholic Association. He could have wished that they had adopted a different course from that which they had pursued; but though he would not say he approved of all they had done, he could not consent to have the liberty of the subject infringed upon by the attempt to put them down. In offering his reasons in opposition to this attempt, it was unnecessary for him to go into detail on the Catholic question. Its merits were well understood by all who heard him, and had on more than one occasion been recognized by majorities of that House. The question was now in a different situation from that in which it stood many years ago. We had no danger of a Popish pretender, nor any chance of a Popish succession to the throne. Those dangers, such as they were, had all gone by; but there was a danger of another kind to be dreaded, and to that he would confine himself. It was not his intention to follow the right hon. and learned gentleman through all the details of his long and able speech. He had not strength or ability for such a task; but, as far as his memory served, he would advert to the leading points which the right hon. and learned gentleman had introduced to the House. The learned gentleman, in alluding to the King's Speech, had spoken of it as recommending a committee, out of which something might spring favourable to Ireland—

Mr. *Plunkett* observed, that what he had said was, that out of the inquiries of that committee might come facts on which something might be founded.

Mr. *Tierney* continued. If that something was to be understood as relating to the Catholic claims, no facts were necessary to be sought through a committee or any other source. There never was a question discussed in that House, which was less a question of facts. It was solely a question of reasoning. It was not a little singular that the learned gentleman was willing to concede inquiry where facts were not wanted, and to refuse it where every kind of information was most desirable. It was, he thought, unprecedented in the annals of parliament, that they should proceed to legislate against a particular body, without having a single fact before them, that the acts of that body

were wrong. It was to be assumed throughout, *that that body, in all their acts, were* uged on by evil intentions. What right had any man to make such an assumption? What right had he to assume, that, in the application of the money collected by the Association, evil was intended to the public peace? If any such thing was believed, why not inquire, and let the matter be decided by the facts which that inquiry might disclose? He would admit, that the result of inquiry might be, that it might be necessary to put down the Catholic Association; but he would not take that for granted on the mere statement of the right hon. and learned gentleman. That Association might be extremely objectionable; but, in God's name, let that be proved by some better evidence than a speech from a few gentlemen who called upon the House to put it down. Although he wished the Catholic Association had not assumed the shape it had assumed, yet he saw none of those great objections to it, which were pretended upon the other side of the House. The Association undertook the cause of Catholic emancipation; there was surely nothing very criminal in that; they undertook to inquire into the Church establishment; there was nothing very objectionable in that; they further undertook to investigate a variety of circumstances, all of which were fair matter of discussion; and there appeared to him nothing very alarming in such objects, unless the right hon. gentleman could shew that there was something at the bottom of their proceedings, from which great mischief would ensue. Unless they did this, they established no one ground on which to rest the present measure. He implored the House to consider that they were not dealing with a little knot of men, who might be ill-disposed but powerless; but that they were dealing with six millions of people, all united. He cautioned them against sanctioning any act which would tend to sour the great body of the Irish people; for when the Catholics were admitted to be six millions out of the seven, they might well be called the great body of the nation. It was admitted, that this measure was not in itself a remedy for the great evils affecting Ireland; but that a remedy might grow out of it. Now, this was a contingency upon which he did not, and could not, calculate. Why not take a measure out of which a certain benefit must flow, in preference to one whose effects, if at all doubtful, were only so as to the extent of evil which they might create? It was urged, that danger existed. He confessed he had not very minutely followed the proceedings of the Association; but, as far as he had seen accounts of them in the newspapers, he saw nothing to create in his mind an apprehension of danger. He saw indeed a few intemperate speeches. Oh! but those were made, it seemed; by men who assumed all the functions of an executive government; and the House were told of the very pernicious effects of having prosecutions carried on by such men: of the ill temper it generated; and of the difficulty of obtaining an impartial administration of justice under such circumstances. No doubt these things sounded highly, and were calculated to catch the attention of the country gentlemen: but how was this account of the spirit in which those prosecutions were conducted borne out by the facts? It appeared from some reports of those proceedings, that one of the magistrates appointed to preside at these trials, publicly testified his approbation of the temper and moderation in which they were conducted. Mr. Blackburn was the magistrate to whom he alluded. On one of those occasions, he thanked Mr. O'Gorman for the temper with which he had conducted those proceedings, and the humane and temperate manner in which he had acquitted himself on that occasion. With regard to these cases, therefore, it should seem, that hon. gentlemen brought no proof of their assertions. They offered only something in the nature of newspaper evidence. Now, while they were about it, they might as well have given the whole of that newspaper testimony. But then it was urged, that they purposely declined to adduce evidence; and he (Mr. T.) thought they were right; for certainly they would not have found any body to say that the individuals connected with this Association had acted harshly or oppressively in their prosecutions: but, however much he dissented from such a course of proceedings as had been adopted by the Irish government, no man was more averse than he was to this kind of assumed or usurped authority, exercised by any Association whatever, whether constitutional, Catholic, or any other of that nature. All that he meant to contend for on this subject was simply, that the Catholic Association had done nothing worse than their neighbours and cotemporaries.—The right

hon. and learned gentleman had surely made use of much exaggerated statement when he was alluding to all the dreadful consequences that must follow, as he said, upon the acts of that Catholic Association. Among other alarming assertions, the right hon. and learned gentleman, had stated, that they had an army—an army, as he was pleased to call it in a parenthesis—an army of 30,000 men; armed with nothing but—a little leather bag in their van; and a slate, in order to register their collections [a laugh]. And this army was headed by—what, did the House think? no less than 2,500 priests! And he should like to know why this should not be so? If the right hon. gentleman meant to insinuate that these 30,000 collectors, and 2,500 priests, applied their collections to an improper purpose, why did he not say so at once? Or, if he meant to state that they collected subscriptions in Ireland to such an enormous amount as to be absolutely dangerous and alarming, why did he not speak out, and plainly tell the House so? The House would then know what was the real state of the case; and knowing that, they would know what to do in respect of it. But, what was the fact? Was there any such enormous amount so collected? No: here was, at best, a miserable subscription obtained by pence, raised upon all the counties of Ireland. It was the general contribution furnished by the whole country; and yet it amounted to no more than the paltry sum of 10,000*l*. When the right hon. secretary, on a former night, stated, as he did very clearly state, the various details upon which he had framed this bill, he (Mr. T.) did not understand from him, that he felt any great alarm upon this subject: and it would be ridiculous to suppose that he did. But, did the right hon. gentleman really think, that if he could get his bill passed into a law, and put down this Catholic Association, he could at the same time stop this collection? He was utterly mistaken if he imagined any such thing. Why; that collection was at present confided to, or principally made by, priests. Well! priests might be prohibited by a law from collecting this rent for the Association; but it was very well known that the Catholic priests of Ireland collected monies among their flocks for other purposes besides those of the rent. And, did the right hon. gentleman really suppose that he, or any body else, could possibly find out, if the Roman Catholic population still continued their weekly subscriptions of three-halfpence each for ordinary purposes what became of the other halfpenny? He could not be so absurd. Why, then, the only difference which the bill could make as to that matter, would be to convert that which was at present an open and avowed contribution for a declared purpose a secret and a clandestine proceeding. By passing the bill, the House would be compelling the Irish Catholics to resort to this secrecy, in furthering what that bill would declare to be an illegal object. And what could be more impolitic and foolish, than thus to compel men, who now acted in the face of day for the attainment of a given object, to work in the dark—to conceal their operations, though it was evident and certain that they would still tend to the same point—But, the right hon. gentleman might tell the House, that he had graver objections to this Association—to its constitution; and he said to the Irish Catholics, "You shall not have a body investing itself with these powers, meeting and adjourning from time to time, and deliberating upon the various grievances submitted to its consideration by their constituents. You shall not have a body exercising these functions, which go to make it a separate establishment in the state." Now, it was not denied that the Roman Catholics of Ireland, the vast majority of her people, did labour under some grievances; and it was in the nature of man to complain of grievances when he endured them. But, if the right hon. gentleman's objections to the constitution of this society were to avail on account of the extent and multiplicity of its functions, the necessary consequence must be, that in Ireland they would have a separate Association for every one of their grievances. If the right hon. gentleman's objections were merely objections of form, he should like very much to be informed by him what was in future to prevent a body of 3,000 men, for instance, from meeting every week in Dublin, for the purpose of stating and declaring that grievances did press hard upon them, provided merely that they did not call themselves an Association. And upon what grounds would the right hon. gentleman found a preference for such weekly meeting without a name, over a body like the Catholic Association—It was by no means his wish to make any observations that could be considered, under any circumstances, to have an inflamma-

tory tendency; but this he would say, that their grievances did press heavily upon the people of Ireland; and that if these collections were so employed as to serve the great and proper object of obtaining a legal redress and remedy for those grievances, they were laudably appropriated, and such efforts were entitled to success, and to the good wishes of the best friends of this country. Now, what was the declared purpose of this Association? The individuals composing it declared, that their meetings were held with a view to obtain, by legal means, such redress; and, to be sure, it was not to be supposed that they who felt themselves aggrieved should not endeavour to get themselves righted. Well, but the right hon. and learned gentleman objected to the Association altogether—and why? Because, he said, it was contrary to "the spirit of the constitution." The spirit of the constitution! This was a phrase that was very much used in that House; and particularly by gentlemen on the other side, at the very moment of introducing any measure of the same kind as this bill. The worst of it was, that, much as was said about "the spirit of the constitution," nobody could learn what it was. There was no getting at the definition attached to the words, even by the speaker who used them; especially if they fell from a lawyer, or occurred in the course of a discussion with him. It was in vain, that you would explain your own notion of the subject, and fortify it by the most powerful argument; for he would directly meet you with some act of parliament, applying to the matter in debate; and there was an end of your argument, and "the spirit of the constitution" [a laugh]. But, what was the right hon. and learned gentleman's own version of these words? Why, that for a body representing six millions of people labouring under admitted grievances, to meet together in order to proceed for the legal redress of those grievances by their own exertions, and with their own means, was contrary to the spirit of the constitution [hear]. For his own part he (Mr. T.) thought that the Roman Catholics of Ireland were right in taking up the matter themselves instead of delegating that task as heretofore, to others. But, it was clear that, after such repeated disappointments, and the failure of so many promises, they had been driven to seek their remedy by themselves. Why had they been led to believe—(and most honestly led to believe, as regarded the right hon. and learned attorney-general for Ireland, to whose support and exertions the cause of the Roman Catholics was exceedingly indebted)—why had they been led to believe that their cause was also the cause of the most enlightened men in the country? Why had the right hon. gentleman himself displayed such extraordinary eloquence in their behalf? Why did the right hon. Secretary for Foreign Affairs, who had so nobly distinguished himself in their behalf by the exercise of those great talents with which he was endowed, from time to time hold out to them the expectation, that the day would soon arrive in which the government would be enabled to give them all that they asked for at its hands; and now, when that day was come, say to them, in effect—"We are in a condition to give, but you cannot have, what you want; therefore, do go home without it and disperse yourselves quietly and peaceably. It is true you are cruelly disappointed, but be quite satisfied, for you have the assurance from me that you cannot now have what you want. Nothing can be clearer than all this; therefore go home; and if you say another word, I will put you all into gaol" [hear, hear]. But, the right hon. gentleman had said, that every measure that proceeded from the government was in a spirit of conciliation to Ireland; and if language like this in effect was in the nature of "conciliation," undoubtedly here was a very pretty specimen of it [a laugh]. But the right hon. and learned gentleman would have the House suppose that there was something about this question that could not be apprehended by vulgar minds and ordinary men—that there was some principle, in short, that must always operate to prevent Roman Catholics from ever rising to office and authority in the state—that an insuperable difficulty existed in the constitution of this government, at present, to the concession of their claims. But, why was it impossible to carry this question? He would ask that right hon. and learned person to look back—not to the year 1813, to which he had referred, nor to the circumstances under which it presented itself to parliament, in 1813; but—to the year 1821, when the bill which had been adverted to was carried in that House. He had not forgotten how ably the right hon. gentleman had advocated the cause in 1813; and he heartily

thanked him for all his constant and most eloquent exertions on the same subject, in the period intermediate between 1813 and 1821: but he now asked him to look what the state of Ireland was in 1821; when, according to the right hon. gentleman "Ireland was a wreck upon the breakers" [Mr. Plunkett expressed his dissent from the observation]. He was very much mistaken, if that right hon. gentleman when lately speaking of Ireland and reviewing the progress of events in that country, did not use this expression —he indeed apprehended at the time that the right hon. gentleman's neighbour the Secretary for Foreign Affairs, would soon have to add a new stanza to his old song about "the pilot that weathered the storm," in compliment to this new pilot [hear]. For now, it seemed, all was sunshine again; there were no more breakers; not a thought about a wreck; and the water we were sailing in was as smooth as a mill-pond. All this beautiful calm and tranquillity, we were told, was owing to the right hon. and learned gentleman; by whom, together with the marquis Wellesley, it had been entirely effected. But he desired to learn what the right hon. and learned gentleman had done to tranquillize the feelings of a disappointed people—what he had effected towards ensuring the general peace and happiness of Ireland. Again he said, let that right hon. and learned gentleman look back to 1821, when, instead of having left Ireland "a wreck upon the breakers," he brought the great question of the Catholic claims through a triumphant majority in that House, though it was afterwards foiled and defeated by a very small one in the other. It was important to look back at that majority and that minority. In this House they obtained a triumphant majority; in another House—(a particular place which he did not feel himself at liberty to describe, at present, in any other way than by saying it was a place wherein there sat certain gentlemen who had the privilege of wearing white sleeves) [a laugh]—in that other House there was a majority of 38 against them. But of those 38 individuals, it so happened that no less than 25 were adorned as he had already mentioned. Now, was it quite impossible to believe, that if the government should ever be disposed to sacrifice their opposition to the measure, these white sleeves might be found in some other side of the division? Could anybody blame the Catholic, if he thought, at that time, that his triumph was completed?—that without any direct assistance from the government, but by the mere force of reason and argument, he had, at length, attained that which would end, in the course of the next year, in the acquisition of all that he had ever asked for? Certain it was that the Catholics were again disappointed; and that, in the autumn of that very year, the right hon. and learned gentleman took office. He (Mr. T.) was not intending to impute bad motives to him, by any means, for this acceptance of office. He was ready to believe, on the contrary, that the right hon. and learned gentleman accepted office with the most honourable and legitimate intentions. But he took it; and at the same time strode over from that side of the House (the opposition side) to the other. Why the right hon. and learned gentleman was made attorney-general for Ireland, except for his conduct with respect to the Roman Catholic claims, he was at a loss to know. But, if it was on that account that he was chosen attorney-general, it might be supposed that if the right hon. gentleman persisted in his support of the same question, the government would make him lord chancellor. He should say to that right hon. and learned gentleman—"It is most extraordinary that you who kept to your opinion in adversity—when you sat on this side of the House, I mean—[a laugh], should not keep to it in prosperity, when you might adhere to it with effect. If while you sat among us, you were consistent in this respect, why should you be otherwise the moment you crossed the floor to the other side?" This did seem to be about the strangest thing in the world. But, the attorney-general for Ireland had informed them, that he had since changed his opinion. And that he had changed it upon the purest and most conscientious principles, there could be no doubt; for he had told them so himself. The right hon. and learned gentleman said, too, that he had previously taken office and joined himself to the administration of that time. But however irreproachable his own motives might be, it could not be denied that he owed a duty at the same time to others as well as himself. When he joined that administration, did he reserve for himself this great point? Did he stipulate for this vital question? Did he make his own price? He meant not to use the word

in any offensive sense: he was speaking only of the conditions which an individual who took with him to ministers such an accession of talent and influence had a right to expect, and might honourably propose. Did he say to those ministers, "Here I come with my wares in this bag. You see what I have done for Ireland with regard to this important subject; take me with all the value of my talents and my eloquence, but secure to me the successful result of all my exertions in support of this question?" But, the right hon. and learned gentleman had done nothing of all this: and he said, that his reason for such conduct was a conviction that no administration could be formed on the opposition side of the House, that would be capable of carrying the Catholic question. Perhaps he was right, though it was not a very complimentary estimate: but surely he might have found there members enough to make up half such an administration. Now, withdrawing from that to which the right hon. gentleman was attached, the half for example, who might be indisposed towards the success of this question, there would still be a moiety of an administration favourable to the claims of the Catholics. Pray did the right hon. and learned gentleman, in his difficulty, ever try the experiment of forming an administration composed of one half from the opposition side of the House, and one half from the ministerial side. Had he proposed any such experiment in 1821, when he brought that question forward? No such thing; and the reason seemed to be, that at that very time he was about to take up his quarters on the other side. The right hon. and learned gentleman was at that moment, to use a sailor's phrase, with his anchor a-peak to the Treasury benches. He did not mean to quarrel with him on that account: for he confessed that, at that time, a sort of cloud hung over gentlemen of his side of the House, which to old practitioners was not very encouraging. The right hon. and learned gentleman said, he had never been attached to any party; but when he crossed the floor, they made him attorney-general for Ireland: and, to make a man attorney-general, used always to be considered as recognizing the individual to be of the party of the administration to which he was attached. But then he said, he was attached not to a party; but only to lord Grenville. Now, he (Mr. T.) very well remembered when the right hon. and learned gentleman was once as warmly attached to a noble friend of his (Mr. T.'s), as he had ever been to lord Grenville. Some differences arose between that noble friend and lord Grenville upon the question of the war, and the right hon. and learned gentleman came and told him, that notwithstanding his attachment, he thought lord Grenville had taken the most wise, and enlarged, and statesman-like view of the case and that therefore—he should support that noble lord. No blame was attributable to the right hon. and learned gentleman on that account. He probably foresaw that the greater number would take the same view as lord Grenville had done; and soon afterwards the Grenvilles came into favour. It was curious enough to mark the effect of circumstances upon the opinions of the right hon. and learned gentleman, while he sat with his (Mr. T.) friends. On the question of the war he was very much alarmed. Then came the six acts, which put him in a state of dismay. Then something else happened, which threw him into an absolute panic; and then—he took a place! [a laugh]. All this might be very well; but he begged to be informed why it was that this Catholic question should now be openly avowed by the right hon. and learned gentleman to be one that nobody but an insane person would imagine could be carried? Why, in the cabinet itself the balance of opinion on this point was understood to be as six on one side and seven on the other. Now he (Mr. T.), who had been in a great many minorities in his life time, should, under such circumstances, and in such a minority, consider himself to be in rather a winning situation; and, to be sure, if the whole administration were divided after the same proportion, six to seven, he should not despair of seeing the right hon. and learned gentleman on his own side of that House again. But, it would not surprise him if that right hon. and learned gentleman should find that they could not get up an administration after such a division, even on their side. Why did they not bestir themselves on this vital subject? Only let the House consider the delicate and anomalous situation in which it was placed by the proposition now before it. The Secretary for Ireland brought in a bill, the penal consequences of which must seriously affect a vast body of the people of Ireland; but here was this question of the Catholic claims, which, if carried,

would make that bill altogether unnecessary. Then, let the House see precisely how it stood in respect to that question and the proposed bill. "You are," said Mr. Tierney, "obliged to blink a question that six out of seven members of the Cabinet support; and you are called upon to support a penal bill which would be altogether needless if that question were decided favourably by one additional vote in the cabinet. In that question you are offered an effectual and permanent remedy for those evils which this bill proposes to meet by severe punishments. Why, then, you say, let us have the remedy. But no, the remedy must not be touched; it would be the act of an insane person to attempt with it the cure of the disease." Was ever country more insulted than Ireland? If he recollected rightly, the right hon. gentleman had said, that government were in possession of a measure that would tranquillize the whole kingdom of Ireland. Why, then, this delay? Why was it not put in motion? Why was not this remedial measure brought forward? But the Secretary for Foreign Affairs said, "Oh, would you have me break up the government?" He (Mr. T.) had every reason to believe that the measure he spoke of would have no such effect; and if the passing this great question should ever operate to induce some of its members to retire, the six men in the cabinet minority at least would not turn tail in consequence and go away. There was one very noble and learned person, of the most considerable influence and importance in that cabinet, too, "who (observed Mr. T.) "I feel quite sure would not go away on this account, notwithstanding the apprehensions that some gentlemen entertain for him. If such a proposition as the retirement of himself and those of his colleagues who vote with him, on account of the passing of this question, should ever be made in the cabinet, I am sure that the legal habits and precaution of that learned person would not desert him on such an occasion, but there would be so many hearings on the case—such rehearings, and such arguments or exceptions to the proposition, that the end of these wise and prudent delays would be (to use a phrase which I often read in the newspapers), that the noble and learned personage would say to the parties 'Oh! you may have leave to mention this matter to me next Tuesday'" [cheers and laughter]. Let the friends of that great question be stout; and they might be assured that its enemies would be weak. But, what was the meaning of people's alarms on this subject? Could it be believed that the great champion of England by her constitution—the defender of all her civil and religious rights—the existence of whose throne and empire depended on the maintenance of the Protestant faith—had been sincere in calling in these six individuals, forming the minority in the cabinet, for the sole purpose of raising up the Catholics to an elevation incompatible with the security of his Protestant subjects? If this was believed, the colleagues of those six members would hardly quit their posts when so much danger threatened them. But he really had no doubt that all the members of the cabinet would be as reconciled to the matter, and as friendly, in the space of one week, as they were at present, if the minority of six would only do their duty as well in the cabinet as they did who were out of it. Another reason existed why the question should be passed without delay. From a beneficent and liberal decree made by the greatest and most illustrious personage in this kingdom in another country, occasion had been taken to infer, that when he was not fettered by the advice of his ministers, that illustrious personage was strongly disposed to measures of this enlightened and generous nature. Why, it seemed from the speech of the right hon. gentleman, that it was only upon the most vital of all questions, on which, perhaps, the safety of this country might depend, that that monarch was not advised by his ministers. He was left to pursue his own course in this momentous matter, unassisted by those counsels which were afforded under such difficult circumstances to every other sovereign in Europe. Could that kingdom be said to be safe in which so dangerous an anomaly existed?—After some further observations on the pressing necessity of conceding the Catholic claims, as a measure at once calculated to remove all the evils which were said to have called for the right hon. Secretary's bill, and to ensure lasting tranquillity, the right hon. gentleman (Mr. Tierney) remarked, that the Attorney-general for Ireland (giving him all due credit for his powerful assistance to it) had certainly found, in all the respects of fortune and honours, the Catholic question a very profitable concern for the last five-and-twenty years. All that he (Mr. T.)—all that the other

friends of the measure—asked of him in return was, that he would now be good enough either to retire from his office, or to change his opinion again [hear, and a laugh]. The secretary for Ireland might say, indeed, that if there was any change of this kind, he could not go on. But the Attorney-general might reasonably, nay, gracefully, state, that he had exerted himself to the utmost in this cause, and in vindicating his own principles; but finding the sense of the country to be against him, he must in conscience retire. Something had been said by him (Mr. T.) about principles changing with office. He did assure the right hon. Home Secretary of State (Mr. Peel), that he meant no sort of allusion to him. He had pleasure in saying, that that right hon. gentleman's conduct had been always too manly and upright, and consistent, to subject him to any such imputation; he was an enemy to the question, but a consistent one. Gentlemen ought to look at the consequences of the measures they were pursuing, and not to suppose that the Catholics would be satisfied with this bill. The Catholics were offered, in 1821, what was considered to be conciliation. They were required to suffer under the grievances which the right hon. gentleman had described, and they were required to suffer under them with patience; and that was what the right hon. gentleman called conciliation. Unfortunately, they were not satisfied with such conciliation. What followed next? Why, they took their affairs into their own hands; and they thought, and he believed they thought justly, that by so doing they would produce some considerable effect. He was not prepared to defend the acts of the Catholic Association, but he thought great deliberation was required before this question was determined; for the prosperity of the whole country might be involved in this night's determination. The Catholics were no longer the body they had been in times past. This should be borne in mind by the advocates for the present measure. They had increased in population. They engrossed nearly all the manufactories and all the distilleries. The people concerned in those manufactories and distilleries were all in favour of Catholic emancipation; and they must naturally be expected to be so, as that was the only means they had of continuing and preserving these manufactories and distilleries. No man could doubt, that, in time, Ireland would assume a very commanding situation. She would then obtain what she required. The only difference would be, that what the parliament granted to-day as a boon, might be imperiously demanded and obtained as a right to-morrow. It had been observed, that the Catholics were not to be trusted—that they could not be depended on for keeping their faith. Now, he did not believe that assertion to be founded in fact. But, though the Catholics were at present well-disposed, it should never be forgotten that, like other men, they possessed feelings alive to insult and injury. If they were neglected too long, there was no saying what might be the consequence; and, if any evil should arise, it must not be imputed to them, so much as to that irritation which had been excited amongst them. Twenty-five thousand men might now march from one end of Ireland to the other, in spite of the army of thirty thousand rent collectors, headed by its two thousand five hundred priests; but, who could say that such would always be the case? If war should happen to come, great injury might arise to the empire, and that portion of it might be placed in positive jeopardy. In the event of war between this country and a continental power, would not Ireland be considered a vulnerable point? If some disaffected paragraph should find its way into a newspaper—be circulated in foreign journals, and if a war should happen, might not the discontent of Spain at our recognition of the independence of her colonies, induce her to return the obligation, by acknowledging the independence of Ireland? She might then, perhaps, become a separate and independent state; and one means of our strength, and one great source of our prosperity, would thus be cut off. Why, he would ask, should all that risk be incurred? Was it simply because six out of thirteen of the cabinet did not act exactly in the manner they ought. Let gentlemen well consider what would be the probable result of the measure now proposed. If it should happen to sour the temper of the people of Ireland, no one could say what, at the end of six months, might be the consequence. The right hon. and learned gentleman had said that he was ready to vote for Catholic emancipation whenever the hon. baronet should propose it. He might be so; but he could tell that right hon. and learned gentleman, that, in the present state of

affairs, there was no chance of carrying it. That object could never be carried but by a government that was unanimous in its determination to carry it. Such a government, he knew, might be formed. If the right hon. and learned gentleman, and the others of his majesty's ministers, who voted with him on the question of the Catholic emancipation, would withdraw, a new government, he was certain, might be formed with the full approbation of the people of England. It had been said, that this country was never more indisposed than at the present time to grant Catholic emancipation. Now, he doubted that very much. He certainly saw "No Popery" chalked upon a few walls, but that was not the sense of the country. Education had extended, and with it a corresponding spirit of liberality, if, therefore, the right hon. gentlemen to whom he had alluded, would withdraw themselves from the government, the chancellor would not merely have to find one, but almost all the new ministers. He must find a new lord Privy Seal—a president of the Council—a first lord of the Admiralty—a chancellor of the Exchequer—a secretary for Foreign Affairs—a lord-lieutenant of Ireland—an attorney-general for Ireland—and a president of the Board of Control. He could as soon raise the dead as do all that. Then, let not right hon. gentlemen delude themselves by saying, that the measure could not be carried; for, if that were done, it could and would be carried, and carried triumphantly [loud cheering]. He would not vote for the measure now proposed: he would not vote for any such measure without Catholic emancipation being first carried. He thought that investigation must take place at some time. It ought to be resorted to now, and, if it were, he was confident that the consequence would be the removal of grievances, and not the passing of new penal enactments [hear, hear!].

It being now half past one o'clock, Mr. Brougham moved "That the debate be now adjourned." Upon this the House divided: Ayes 70. Noes 252. A second division took place on the motion, "That this House do now adjourn:" Ayes 76. Noes 231. The minority declaring their resolution to persist in dividing the House, it was agreed that the debate should be further adjourned till Monday.

HOUSE OF COMMONS.

Monday, February 14.

NAVY ESTIMATES.] The House having resolved itself into a committee of supply to which the Navy Estimates were referred,

Sir *George Clerk*, in rising to move the Navy Estimates, observed, that it could scarcely be necessary for him to remark, that it was proper that we should have a portion of our naval force in every part of the world, more especially in the neighbourhood of our new foreign relations, in order to prevent inconveniences which might otherwise arise from the contending parties at war. In the West Indies, the nest of pirates on the coast of Cuba had been considerably diminished: yet we must not flatter ourselves that it was utterly destroyed, or that, if any relaxation in our efforts were to take place, it would not revive. There were other circumstances also which had added to the charges beyond the amount of last year, increase had been rendered necessary. In the course of that year material changes had been made in the mode of victualling the navy, for the purpose of adding to the comforts of the seamen. Amongst these was the abolition of banyan days, and an increase in a small degree of wages in consequence of a diminution in the usual allowance of grog. These changes, he believed every naval officer would pronounce advantageous. An excess of spirits had the effect of rendering the men quarrelsome, and of course increased the necessity for punishment. In order, however, that there should be no just ground of complaint, it had been determined, that the saving on rum should be paid to the men in the shape of an addition to their wages. It had been calculated that that saving would amount to about two shillings a man per month; and this addition had in consequence been made to all the seamen and petty officers, but not to the warrant or commissioned officers. A small addition had also been made to the pay of the men when on foreign stations. In order to carry these alterations into full effect, it was necessary that his majesty's government should have the sanction of that House; and the treasurer of the navy would shortly bring in a bill for that purpose. In the mean time, it was intended that the two shillings additional pay a month should be issued to the men, on the responsibility of government. The great

increase in the price of provisions since last year, had rendered it necessary to increase the rate of victualling a shilling a man a month; making the whole increase three shillings a man a month. The rise in the price of other articles, particularly of iron which had increased 100 per cent, had also rendered it necessary to add two shillings a man a month to the vote for wear and tear. The hon. baronet concluded by moving, "That 29,000 men be employed for the Sea Service, for thirteen lunar months, from the 1st of January 1825, including 9,000 Royal Marines."

Sir *J. Yorke* was very desirous that the committee should know how far the seamen liked the exchange of a portion of their grog for tea; which it seemed probable they would consider as little better than clover dust. Had any broils or dissentions taken place upon this diminution of the allowance of grog to the seamen? He also thought that the doing away with the banyan days required some explanation.

Sir *G. Cockburn* said, that from all the naval stations, except one, the accounts with respect to the manner in which the change was received by the seamen, were most favourable; in fact, they cheered when it was announced to them. The distribution of tea had nothing to do with the seamen's grog. The portion of grog stopped from the men they were paid for to its full value. This was done, because it was found that when men went into port without money, they were frequently induced to run away; whereas, by giving them a little pocket money, they were enabled to amuse themselves without being liable to any such temptation. With respect to the banyan days having been done away with, that also had met with the approbation of the seamen. Before that arrangement took place, they were nominally allowed 6lbs of beef per week, while in reality they only received 4lbs, a quantity of flour being substituted for the remainder. Again they were allowed large quantities of pease, enough, in fact, to serve a hog-stye, but they never ate them, and so that article, or at least its value, went into the pocket of the purser.

Sir *I. Coffin* was surprised that his hon. friend should object to the new arrangement, as he must be aware that grog was injurious to the men, and that they were paid for the quantity stopped from them.

The resolution was agreed to: as was also a resolution, "That 923,650*l.* be granted for wages; 603,200*l.* for victuals for the said 29,000 men." On the resolution, "That 320, 450*l.* be granted, for the wear and tear of the ships in which the said 29,000 men are to serve,"

Mr. *Hume* thought a more explicit account ought to be laid before the House of the expenditure of the former year, so that they might compare it with what was proposed for the present. They ought to be informed what was the amount of articles made use of, and what was the expense of wear and tear for each ship.

Sir *G. Cockburn* said, the expense which might be incurred for wear and tear of vessels at sea was quite uncertain. The vote of last year having been found short, 2*s.* a man additional was required by the present vote, which, it was computed, would cover the deficiency.

Sir *J. Yorke* observed, that the sweeping phrase of "wear and tear," meaning the wear of hulls, masts, and spars, and the tear of canvas, had been in use for many years. Now, he could see no reason why the commissioners at the dock-yards could not give a more detailed account of this sort of expenditure. They might state what had been the wear of hulls and masts, and the tear of sails, for any given period. He did not know why the particulars of this expenditure should be wrapped up in these old-fashioned words.

Mr. *Croker* said, the wear and tear included the consideration of the size of the ships, the service on which they were to be employed for the current year, and other matters of so high a political nature as to render it inexpedient to adopt the mode suggested. This vote of wear and tear was, in some degree, a vote of confidence to government. The estimate of the last year was always made the foundation of the new estimate. But he doubted whether it would be very convenient to make public the scheme of our naval force all over the world; which would be the effect of making such a disclosure as had been alluded to. He submitted to the hon. member, whether, taking an enlarged view of the question, without any reference to the present pacific state of Europe, it would not be impolitic to disclose the state of our naval force.

Mr. *Maberly* never before heard such an explanation given in that House. What did the hon. Secretary say? He stated, that this was a sum voted in confidence to his majesty's ministers. Now, he

thought it really was a vote for wear and tear: if so, why not produce a regular estimate? But the hon. Secretary said, there was something beyond that. ["No; no," from Mr. Croker.] More would not be expended than was absolutely necessary for wear and tear; and should there be any surplus, that was, he supposed, as this was a vote of confidence, to be disposed of as ministers thought fit.

Mr. *Hume* asked, what could be the danger of furnishing a detail of the wear and tear of the navy, when it was known that there was a person named Murray, who published a list which gave a detailed account of the amount and rate of our naval force, together with the station of each particular vessel? He wished for nothing which would in any way impede our service, or interfere with political subjects; but surely it was not too much to expect, that, when a large grant was to be voted, they should be furnished with those details, which were given in the expenditure of the army, and other branches of the public service. As to granting money in confidence, he protested against it. Where money was to be expended, he had no confidence in any man or set of men.

The resolution was agreed to.

On the resolution, "That 94,250*l.* be granted for Ordnance for Sea Service on board the ships in which the said 29,000 men are to serve,"

Mr. *Hume* said, he observed an item "for boats hired at Queenborough 23,000*l.*" Now it was notorious, that, of the persons employed in these boats, 160 out of 190 were freemen of Queenborough. Queenborough, it should be observed, sent two members to parliament, who were returned by those persons. When 94,250*l.* was placed in one line, as the sum necessary, at 5*s.* per man, it looked as if every man in the fleet participated in it. Would it not be better to simplify the matter, and to state clearly the different heads of expenditure? Much as he admired the wisdom of our ancestors, he thought the experience of the moderns produced greater benefits. Formerly, votes of money were passed in complete confidence. Those who agreed to them could not say whether one half the amount was really called for. The case was now, however, altered.

Sir *G. Clerk* said, that the sum proposed was found to be the lowest for which ordnance for the sea service could be supplied for the current year.

Mr. *Maberly* said, it was a complete annuity to become a freeman of Queenborough, for he was sure of getting one of these boats, to sail up and down the Thames, half-employed and half idle. With respect to this vote, if every item was enumerated, a considerable saving might be effected.

The resolution was agreed to.

UNLAWFUL SOCIETIES IN IRELAND BILL.] The order of the day being read, for resuming the adjourned debate on Mr. Goulburn's motion, "That leave be given to bring in a Bill to amend certain Acts relating to Unlawful Societies in Ireland,"

The Hon. *George Lamb* said, that the proposed measure, notwithstanding all the details connected with its provisions, which they had heard from time to time, still appeared to him to be exceedingly obscure and mysterious. It was, it seemed, intended to be an alteration of the Convention act which was passed in 1793. Whether that act deserved all the censure that was cast upon it by the hon. and learned member for Nottingham, he would not stop to inquire; but certainly the person who framed it appeared to have a proper feeling of veneration for the constitution of his country. He found that act concluded with a careful proviso, "that nothing therein contained should apply to persons meeting for the redress of grievances." That salutary provision was now, he understood, for the first time, to be violated—this protection was to be wrested from the subject. This was matter of deep and serious concern; for, whatever intemperance of language the Roman Catholics might have been led into—whatever violence might have been manifested by the Catholic Association—still it should never be lost sight of, that the redress of grievances was the foundation of that society. It was founded in that spirit; and therefore he lamented that the government did not follow up, rather than abandon, the feelings which actuated the framer of the Convention act, when he introduced the constitutional provision to which he had referred. Ireland, it was said, was perfectly tranquil; but they were called on to prevent future and contingent dangers. He did not like this prophetic spirit of evil, which often created the mischief against which its warnings were directed. They were admonished, that this Association was contrary to the spirit of the constitution; and that it would

be the means of creating animosities and heart-burnings, in different parts of the country, amongst those who followed different creeds of faith. What did the Attorney-general for Ireland tell them in that splendid speech which no one had heard with greater admiration than he had done? The right hon. and learned gentleman had said, "If this Association goes on, will not some disturber, some desperate adventurer, get among them, who, in the end, will force them over that precipice which they have prepared for themselves?" Such was the prospective reason given for the measure now contemplated. He did not mean to say that that Association did not deserve the vigilant attention of government, but he regretted the way in which that vigilance was manifested. The attorney-general ought to have observed their proceedings; and, the moment he found them over-stepping the bounds of law, he ought to have stood forward, and, armed with the strong power of the law, have forced them to acknowledge its authority. This was the proper way to put down any dangerous spirit. There certainly was no want of vigilance on the part of the right hon. and learned gentleman. He was vigilant too early: he indicted that which was not indictable; and, as in the rattle-and-bottle-assassination plot, he was defeated. Therefore the power of parliament was appealed to, when, in his (Mr. L.'s) opinion, such an application was wholly unnecessary. It had been urged, as the most excellent feature of this measure, that it was perfectly impartial—that it included both parties, the Orange societies as well as the Catholic Association. This point had been pressed, indeed, by the attorney-general for Ireland; but it was clear that the Secretary for Ireland considered it merely the fringe of the case—a matter hardly worth notice, and he would probably have taken his seat when he introduced the measure, had not his right hon. and learned friend called his attention to it. He (Mr. Lamb) would not pause to inquire whether a bill could be called impartial, which put on the same footing an Association unquestionably lawful and societies decidedly illegal, and denounced as such two sessions since, although subsequently perseveringly supported; but, referring to the debate on the motion of the hon. member for Calne, he could not help contrasting the language of ministers then as applied to the Orange lodges, and the terms they now used with reference to the Catholic Association. What had the Secretary for Ireland stated two years ago?—"He joined" said the report of his speech, "with the hon. member in thinking, that every thing that could be done in the way of advice to the Orange lodges ought to be done. That was the proper method of attacking such institutions, that might eventually tend to excite alarm and apprehension; in fact, that was the only fit way to counteract the principles which led to their institution." Yet these societies, which, according to the right hon. Secretary, "might eventually tend to excite alarm and apprehension," had been denounced by the chief law officer of Ireland as "a gang, bearding the king's government, as setting constituted authorities at defiance, and insulting and outraging the very person of the king's representative in Ireland." Such were the societies that were met with "all that could be done in the way of advice." He (Mr. L.) did not mean to complain that the same course had not been pursued in the present case, and that "all that could be done in the way of advice" had not been tried with the Catholic Association. Perhaps advice from the right hon. Secretary, an avowed enemy to the Catholic claims—would not have been most graciously received; but from the Attorney-general for Ireland, who had so justly boasted that he had long possessed, and still enjoyed, the confidence of the Catholics, it might have been accepted. Why he had not tried the experiment, or rather, why he had pursued a directly opposite course, and commenced legal process against one of the leaders of the Association, remained yet to be explained. Where, then, was the supposed impartiality of treatment, and where the impartiality of the bill recommended for adoption? When a bill had been formerly proposed, to declare Orange societies, and their secret oaths, illegal, the members of them were protected at the bar of the House. The witnesses shielded themselves under this illegal obligation, and refused to avow the truth, though commanded by the House; and, what was the result? They were allowed to retire from the bar, and were dismissed even without censure. It was quite impossible for him to guess at the feelings of the Orangemen, at the present moment; but he really thought that they had as much right to complain of this bill as the

Catholic Association. They might fairly enough turn round upon the ministers, and say, "You gave us your countenance for many years, and though you gave us a sort of legislative hint two years ago, yet, since that time, you have supported and complimented us. Why, then, do you now, on the sudden, attempt to put us down? Is it for any thing we have done? No: it is merely because our proceedings have raised a party adverse to us, and in the balance between them we are to be thrown in as a make-weight. He hoped that this make-weight would not prove like the sword of Brennus, which, thrown into the scale, proved the revival of discord, and the renewal of bloodshed. But, if they were so ill-used, why did not the Orange lodges complain? Because they knew that though the measure professed to be impartial, it would not be impartially executed. Besides, however powerful the new law might be to put down open Associations with clear and determined objects, it would be wholly ineffectual for the suppression of secret, unlawful Associations, bound together by mysterious oaths, and assembled for no avowed and definite purposes—He would now touch shortly upon some of the reasons for the bill offered by the Attorney-general for Ireland. First of all, he talked of the irresponsibility of the Catholic Association, asking, to whom were they responsible? In reply, he (Mr. L.) would inquire, to whom was every man responsible that walked the streets? He was responsible to the law of the land; and so was the Catholic Association, either individually or collectively, as boards, committees, associations, or mobs. Next, the right hon. and learned gentleman had objected to their permanency; and certainly this might be a valid objection, if they had power as well as permanency. As it was, it was just as applicable to any weekly debating society. But the great gravamen—the most important charge of the whole, and that on which ministers mainly rested the defence of their measure—was, the collection of rent. For this purpose, a subscription, raised for legal purposes, had been sedulously characterised, on the other side, as a levying of taxes. He could not see the difference between this pretended levy of a tax and the contributions of any Bible Society for purposes as laudable, but not more dear to them than the objects which the Catholics had in view. Great stress had been laid upon the fact, that the priests had made collections in their chapels. He (Mr. L.) did not know whether he was addressing gentlemen in the habit of going to church; or, perhaps, if they were sometimes deterred from doing so, it might be because they learnt that a Protestant clergyman was about to make a collection in a Protestant church. Was it more improper in the one case than in the other; or, if it were, in what did the greater impropriety consist? Such gentlemen as were in the regular habit of visiting the established church, had doubtless often come out of it with their pockets lighter than when they entered, in consequence of subscriptions for purposes recommended by the clergyman from the pulpit as laudable, but not more laudable than the purposes enforced from the pulpit by a Roman Catholic priest. Then, as to the mode in which this rent was collected, or, to use the ministerial term, this tax was levied. Would to God the taxes levied by the chancellor of the Exchequer, gave as little trouble, either in the collection or in the payment! The right hon. gentleman might take a useful lesson upon finance from the proceedings of the Catholics. If the right hon. gentleman would but levy a penny from each individual, only to be paid by the parties who liked to contribute, the name of tax would be stripped of all its odium. It was singular, and spoke much for the general temper of the Catholic Association, that only one violent or offensive expression had been relied upon by their enemies—"Be tranquil by the hate you bear the Orangemen." A great deal too much importance, as it seemed to him, had been attached to this phrase. What was the object the Catholics wished to obtain? The restoration of their rights. And how did they propose to obtain them? By preserving tranquillity. The Association, therefore, adjured their countrymen to be tranquil, and in so doing they used an expression which they thought would be most effectual for their purpose: they wished to give the strongest motive for preserving the public peace; and would to God, instead of calling upon them to be tranquil by the hate they bear the Orangemen, they could have adjured them by the gratitude and affection they felt for them. How were they to indulge their hatred? Not by violence and

blood-shed, but by remaining unmoved amid a thousand provocations. They were to be tranquil, because it gave the Catholics the best chance of being admitted to a participation in the blessings of the Constitution at present monopolised in Ireland by a faction; that they should be put upon an equal footing would be the sweetest revenge to the Catholics, and the bitterest pill that Orangemen could swallow. The Catholic Association did not use the phrase in the sense of Shylock—"Hates any man the thing he would not kill?" but rather in the sense in which Squire Western spoke, when he said "every true-born Englishman is bound to hate all the French like the Devil in hell" [a laugh]. It would ill become him to charge the right hon. and learned gentleman with political inconsistency upon this great subject; he ought rather to rejoice, that the Catholics yet possessed an advocate so persevering and so powerful; who had hitherto maintained, in the strongest terms, the imperious necessity of conceding their claims. Before the session was over, he hoped some part, if not the whole, of what they claimed, would be granted to the Catholic population of Ireland.

Mr. *Dawson* said, that no man acquainted with the Irish character—no man who had watched the progress of events for the last thirty years—could conscientiously support Associations of any kind. From the earliest period, Associations had been the curse of Ireland; party had followed party, and faction faction. The whole history of the country represented a series of bloodshed, massacre, and misery, the fruit of the prevalence of hostile parties. He had, therefore, great satisfaction in reflecting, that the bill now proposed would put down all Associations. All the popular assemblies in Ireland, with one exception only, had been productive of evil consequences. That exception was the Convention of 1782. Yet even then the national restlessness would have broken forth, but for the prudence and discretion of lord Charlemont. What had been the result of the Catholic Committee of 1793—of the United Irishmen in 1796 and 7? A rebellion that raged from north to south, in which much blood was shed and many valuable lives were lost—amongst others who fell on that occasion was lord O'Neill. What was the result of the Catholic Board in 1812 and 1813? A continued interruption of the public tranquillity almost from that date to the present moment. He was happy, therefore, to contribute his support to a measure which would put an end to all such disasters, by removing their causes. It had been often said, in discussions of this kind, that in looking at associations, it was impossible to consider the bonds by which they were united. The principles of Orangemen and of Catholics were essentially different, but a law of this kind, to be just, must be applicable to both. He could not but admire the consistency of hon. gentlemen on the other side, who had supported a bill against Orange Associations, against whom nothing improper could be proved, yet opposed a measure against the Catholic Association, which its warmest friends could not justify. After adverting to the various objections to which he conceived the Catholic Association was liable, and which we could not distinctly catch from the low tone in which the hon. gentleman spoke, he denied the charge that the city of Londonderry was the focus of Orangeism, observing, that there was not a single Orange lodge in it. He then went on to contend, that the Catholic Association was unconstitutional, and that the speeches of its members, and the agency of the priests, united to make it the most dangerous engine that had ever been set to work against the happiness of Ireland. It commanded a paid press to disseminate its poison, and their orators stuck at no falsehood to exasperate the people. They were assisted most importantly by the priesthood, who answered every expectation by unceasing hostility to the establishments of the country, and by endeavouring to distil evil principles into the minds of the ignorant. Some gentlemen had said they saw no harm in the acts which were done, and in the sentiments which were expressed, by the Catholic Association. Although he entertained a very different opinion, it was not on account of the character of the speakers, but on account of the influence which their speeches must necessarily have on the minds of the ignorant peasantry to whom they were addressed. To prove the mischievous intention of those speeches it was only necessary to refer to the reports of the meetings of the Association, published in those papers which were known to be in its interest. The hon. member

then proceeded to read some extracts from the Dublin newspapers respecting the proceedings of the Association. In the finance report, when the collections of the Catholic rent had not been very successful, the people of Ireland were exhorted to awake from the sullen silence which they had so long kept, and to prove to Britain and to the whole world that they were men, and deserved to be treated like men. This he thought was sufficiently plain language. Mr. O'Connell, a few weeks afterwards, when the rent had been more successful, said, he would not press the introduction of arming the Catholics, lest their enemies should think they were going to make war upon them at once. Ridiculous as this did and must sound in the House, he asked, what must be its impression on the mind of the Catholic peasantry? In another of Mr. O'Connell's speeches he used the quotation—

"Hereditary bondsmen! know ye not
Who would be free, themselves must strike the blow?"

These things done, and these speeches made, were quite enough to convince him, that the society was dangerous and wholly unconstitutional. The manner in which its members canvassed all persons who presumed to speak their free opinions of the Association was another proof of the mischief which it would execute if its power were equal to its will. Mr. Sheil, another of the orators, said, that the object of the British legislature was to degrade the whole Catholic population of Ireland, and to preclude them from the enjoyment of those advantages to which they were justly entitled; and this character of the legislature was disseminated throughout Ireland. When lord Redesdale, in the House of Lords, gave his opinion on the Catholic question, and said, that he would do so, although his destruction had been publicly preached in a Catholic chapel in Ireland, the Catholic Association immediately decreed, that he was more of an assassin than the priest he had denounced, and that his speech was an assassin-like speech. The duke of York, too, because he had opposed the same question, had been assailed by the Catholic Association, and described in broad terms as the enemy of Ireland. One prudent person at the meeting in which this took place, wished to have the resolution altered; but this was opposed by Mr. O'Connell, who said, that "the heir apparent to the Crown ought not to forget, that there was once a duke of York who lost both his Crown and his kingdom." Another gentleman said, that the duke of York might be induced to alter his opinion; but that his life was of no service to the country. It was in vain that benefits were conferred upon the people, when in the utmost need; they were either forgotten or misrepresented by the Catholic Association. In 1822, the archbishop of Tuam had exerted himself with the most charitable assiduity to alleviate the sufferings of the people in his diocess. The Catholic clergy, actuated by a sense of the obligation which they, in common with every other inhabitant of the diocess, were under to this benevolent prelate, expressed by a resolution in a public meeting, the gratitude they felt for the services he had rendered to them and to their flocks. No Catholic Association existed then, and therefore, the clergy followed the dictates of their own feelings, in making this public acknowledgment of the succour they had received. As soon, however, as the Association was established, its baleful influence was felt. The same Catholic clergy who had not, and could not have, any real cause for bitterness of feeling against the archbishop, passed, in November last, a resolution, in which they accused him of having introduced a party of soldiers into a church in which they were holding a public meeting, for the purpose of intimidating, or murdering, all the Roman Catholic priests present. Mr. O'Connell had, however, gone still further than making an injurious accusation, and had given, at the last meeting of the Association, a friendly hint to his adherents, for getting rid of the Protestants by wholesale. He had alluded to the proceedings of the covenanters of Scotland, who, he said, did not patiently bear the attempts which were made to oppress them, and to impose upon them a form of religion to which their consciences were averse, but hewed down with the sword of the Lord the archbishops and bishops who tyrannized over them. When, at length, they were overcome by the British force which was sent against them, they retired to the mountains, and having recruited their forces, they came down again, and carried desolation to the dwellings of their assailants. This language he (Mr. Dawson) knew had the effect of impressing itself very powerfully on the minds

of the peasantry of Ireland, whose ignorance aided their credulity, and who, he was sorry to say, were too ready to commit bloodshed upon slight provocation. The same course of vituperation was pursued by the organs of the Association towards the judges, and all who were engaged in the administration of the law. Sometimes, and with a sparing hand, compliments were conferred upon some of those persons; but, upon all those who had ventured to express their opinions with respect to the Catholics and their claims—no matter how pure their public and private lives might be—the epithets of tyrant and despot were unhesitatingly conferred by these orators. Mr. O'Connell, in speaking of the bench of Ireland, had said "the chancellorship of lord Manners and the Attorney-generalship of Mr. Saurin had sullied the dignity, and degraded the independence of the bar, which before that time had given a tone to the public opinion." He (Mr. D.) believed that those persons who were more ceremoniously treated—the judges Moore and Burton, and Jebb, and others —would feel much greater pride in being assimilated to lord Manners and to Mr. Saurin, than in receiving the hypocritical praises of Mr. O'Connell. To say that the object of the Catholic Association was the redress of grievances, real or supposed, was wholly untrue; its object, as was evident from the conduct of its members, was, to scatter calumnies abroad, to weaken the confidence of the people in the laws, and to prepare their minds for the measures which were in contemplation. It was not only from the speeches of the orators, but from the proceedings of the society, that this conclusion was to be drawn. Upon a recent occasion, a Mr. Devereux and Mr. Hamilton Rowan, had been admitted members of the Association, when the name of the latter was received with thunders of applause. Mr. Hamilton Rowan, it would be remembered, was one of the body called United Irishmen. He had been implicated in seditious practices in the year 1796, for which he was imprisoned. Previous to his trial he contrived to escape, and remained for many years in exile. He was attainted of high treason; but being afterwards, by the lenity of the government, allowed to return to Ireland, the best return he could make for the mercy which had been shown him was by enlisting himself as a member of an Association quite as dangerous as that of his own United Irishmen. The name of this convicted traitor was received with thunders of applause—and why? In order that this recollection of the disastrous period with which that name was connected might be revived in the minds of the deluded peasantry, and help the designs of this abominable Association. Much as he objected to the practices of the Association, they would, he believed, be comparatively harmless, but for the sanction which they received from the Catholic priesthood. Most of the evils under which Ireland suffered were, in his opinion, to be attributed to the influence of that priesthood [hear, hear]! He regretted that he was obliged to make this avowal; but he felt himself bound, by every principle of justice to himself and to his country, to declare, fearlessly and without hesitation, what appeared to him to be the truth. It was his misfortune to differ in this respect from his right hon. friend the Attorney-general for Ireland; but he repeated, that in his opinion the conduct of the Roman Catholic priesthood was highly injurious to the tranquillity and to the best interests of Ireland, and that the whole tenour of that conduct, for the last six or seven years, convinced him that it was their object to overthrow the Protestant church, and establish that of Rome in its stead. [Cheers] He would proceed to give instances in support of what he had advanced. Dr. Curtis, the titular primate of Ireland, had told the archbishop of Dublin openly that he was an usurper— that he held his see only by sufferance, and that he had no more real title to it than he had to the dukedom of Leeds. Dr. Doyle, another Catholic priest, in a letter to Mr. Roberts, said, that if rebellion raged in Ireland from Carrickfergus to Cape Clear, no excommunication would be fulminated by a Catholic priest. Another priest admitted, that during the disturbed periods, there had been no plot in his parish with which he was not acquainted, but he had never disclosed any of the particulars relating to them. One O'Sullivan, also a priest, saw a man murdered before his face, and refused to give evidence to the facts, alleging that if he did, his influence with his parishioners would be lessened. Mr. Duggan, the priest of Kilrush, informed the Association, that in his parish many of the farmers had promised to devote the whole amount of the corn crop to the Catholic rent, no

matter whether their creditors went unpaid or the very wants of nature unsatisfied. What man but one whose mind was wholly perverted—what man possessing any thing like a sense of morality—could countenance in this manner a fraud and robbery which was committed only for the purpose of encouraging sedition? The priest of Mallow, Mr. Kelly, told his parishioners, that money was the sinews of war, and exhorted them, therefore, to contribute as much as they were able to the Catholic rent, that the Association might have the sinews necessary to carry their purposes into execution, as soon as they should be ripe. Was not this plain language? Did such language require any comment? The good which the Roman Catholic priesthood might do if they were disposed, was apparent from the influence which they were proved to possess over their parishioners. The evil use which they were inclined to make of that influence might be gathered from their own avowed sentiments. Who was it that industriously sowed sedition throughout Ireland? The Roman Catholic priesthood. Who was it that at elections added to the natural excitement of political feeling the fuel of religious animosity? The Roman Catholic priesthood. They opposed every undertaking but such as had for its object the extension of their own power, and the erection of their church on the ruins of the Protestant establishment. This was their dream by night—their work by day; and this it was that made them so earnestly and indefatigably the allies of the Catholic Association. In such a state of things, it was wholly impossible that the government of Ireland could go on. The Association must be put down without hesitation or delay, or the Association would put down the government of Ireland.

Mr. *Carew* was happy to have an opportunity of expressing his sentiments on a subject of such importance, more particularly as he should not wish that his opposition to the measures proposed by the right hon. Secretary for Ireland, should be construed into an approval of all that had passed in the Catholic Association during the last six months. There had been many speeches made by its members which, as a friend to the Catholics and to the country, he could have wished unuttered. All societies which had their origin in religious politics were, more or less, injurious; but he had a perfect conviction of the utter inutility of attempting to coerce public opinion by legislative enactments. As long as the Catholic question remained in its present state, so long would religious feuds and societies exist. They might put them down in one shape, but they would rise up in other, and, perhaps, more objectionable, forms. The fate of the bill respecting Orange societies, should have taught the House a better lesson. Those societies were falling into disrepute in Ireland, and were abandoned by almost all persons of rank or character, when the circumstances of the moment, and particularly the attempt to put them down by act of parliament, raised their spirit, and there were now more Orangemen than at any former period. The same fate would attend this bill. They had put down the Catholic Board in 1814, and had now an Association, which comprehended all the rank, talent, and wealth of the Catholics of Ireland. Why, then, should they have recourse to useless and unconstitutional encroachments on the liberty of the subject, when they had a plain and strait forward remedy? Do justice to the Catholics and to the constitution. This was the only way in which they could—the only way in which they ought to succeed. The Irish Catholics were now in a very different situation to what they were formerly. The Association contained all classes, from the peer to the peasant. The Catholics had been disunited—they were now united. They knew their strength and felt their grievances. Could they see unconcerned the king of Hanover grant those privileges to foreign subjects, which the king of England was not allowed to extend to his Irish and English subjects? Could they see this and not feel aggrieved.

Mr. *Spring Rice* said, he could not conceive any two speeches more truly indicative of the real state of Ireland than the last but one which the House had just heard, and that of his right hon. and learned friend, the Attorney-general for that country. He would ask, with what reason could it be expected that the violence of party feeling could be put down, when in the cabinet itself the same violent difference was exhibited by those who personified the conflicting opinions? Was it not obvious, that the violence of the Catholics would look for its justification from that part of the cabinet in which a similar feeling was displayed? Was it

not equally obvious, that the violence of the Orange party would rely for its excuse upon the expressed sentiments of another part of that cabinet? At all events, it was better that as few references as possible should be made to what had taken place at other times. It would be better for the fair discussion of the question—it would be better for the country—that little should be said of the past, and that more should be thought of the duty which was at present to be discharged. But, if his hon. friend (Mr. Dawson) would open the page of Rebellion, did he think that some entries were not to be found on the other side of it? Did he believe that the murder of lord O'Neil—horrible, most horrible, as it was—could not be paralleled, or at least was not imitated by some of the Orange and Protestant enormities? He had said Orange and Protestant; but he begged to separate those two words. He would not yield to any man in respect and veneration for the Protestant reformed religion; but, because he was a firm member of that church, he was not the less sensible of the injury and injustice which must be done to others by the violent support of intolerant opinions, and the danger which might result therefrom even to that establishment itself. He lamented sincerely and deeply the existence of all Associations, whether Orange or Catholic. Let the fact only be proved, that they were unconstitutional and dangerous, and that the remedy proposed was an efficient one, and no man would go greater lengths in its adoption than he would. But he must first have that proof; and where was there any evidence before the House which it could safely or properly act upon? His hon. friend had referred to the influence of the priesthood as one cause of the evils which existed in Ireland, and which tainted the administration of justice in that country; but where was the proof by which he substantiated that statement? The papers he produced by way of proof were extracts from newspapers; and this was the first time in the history of that House, that it had been called upon to legislate on so important a topic, where the only grounds for the measure it was proposed to adopt were drawn from the Dublin newspapers [hear, hear]. He should like to know on what authority his hon. friend had asserted, that there were no Orange lodges at present in Ireland. If there were none, then there was an end of the pretence on which this bill was brought in. In his majesty's Speech an intention was announced to treat all parties with impartial justice. The bill then would have to cope with a phantom on the one hand—with a thing which did not exist—while, on the other, it would act against the whole population of Ireland. His hon. friend had quoted some of the speeches which had been made at the meetings of the Catholic Association. He (Mr. R.) could not justify those speeches; but because he could not do so, he was not therefore prepared to condemn the Association. He knew of no assembly, not even that in which he had the honour of standing, of which the whole proceedings and the whole debates could be justified. Even on the Journals of that House, had there never been resolutions entered which no man of common sense would at that day attempt to justify? If a resolution had been come to, that two and two made five instead of four, would it be rational therefore to conclude, that all the other resolutions of the House were of a similar character? He only claimed, then, for the Association so much indulgence as it was entitled to, and so much as ought to be granted to every public assembly like it. In discussing the violence, however, it should be remembered, that the two parties were not upon equal grounds. If that party which was in the possession of all the power, of nearly all the wealth, and in the enjoyment of all the advantages of the constitution, should adopt violent measures, or use violent language, it could not be too much blamed: but, if the excluded party, smarting under a sense of wrongs, loaded with burthens, and pained by a sense of undeserved inferiority, should utter its complaints in language which partook rather of the wildness and violence of its grief than of cool remonstrance, could this not be excused?—might it not be justified? But, had his hon. friend acted fairly in the course he had adopted? Had he not, in the extracts which he had made from the files of the Dublin papers, shown only one side of the picture? Were there not many speeches of a directly contrary tendency, and which would show that the violence which was complained of was not the tone adopted by all the speakers? He would read an extract from a newspaper —(he begged pardon for doing so, but newspapers were the only state papers of which the House was in possession, and

his hon. friend could not object to his adducing that evidence, unless he also invalidated his own)—for the purpose of showing that the language of moderation and conciliation was sometimes used. Lord Killeen, who was well known to be of moderate principles, and whose character and high station were no inconsiderable proofs of the worth of any cause to which he attached himself, presided at one of those meetings. He had said on that occasion, in his address to the meeting "In the affairs of the Catholics of Ireland, there was never any time so important as the present. The Catholics have gone forward to petition in a manner worthy of themselves and their cause, for their admission to those privileges to which they are entitled. They have made this appeal not as Catholics, but as the members of a free government, and they protest against laws which have the effect of restraining their right to petition." His lordship then went on to say "The Catholics of Ireland cannot obtain their emancipation by their own efforts, nor without the co-operation of their Protestant countrymen." He recommended them, therefore, to be temperate and patient. He reminded them, that their enemies were on the watch, and that any intemperance on their part would cause them to fall into the meshes of those enemies. He added, "Let me adjure you, not by the hatred you bear to Orangemen, or to any class of men, for I hope you entertain no such feeling" [this part of the speech was received with tears], "but by your regard for your own rights—by the love you bear to your children—by your hopes of the future well-being of your country—by the memory of your forefathers, whom neither promises nor threats could induce to forego that faith which they prized more than their lives or happiness—by your love of liberty, and by your veneration for the constitution—by all these, I adjure you to abstain from all threats and from all violent and indiscreet measures. I recommend you to meet the acts of the legislature, whatever they may be, with the firmness of men, but with the submission which becomes subjects." This, then, was at least one proof, that violence and intemperance were not always the characteristics of the language in which the Catholics of Ireland were addressed at the Association; and this justified him in calling upon the House not to pass the bill at that moment of irritation, and upon no better authority than the statements of newspapers. When the Insurrection act was under discussion last session, a complaint was made, that it was a practice among the magistracy of Ireland, to take improper fees. The complaint was at the time positively and indignantly contradicted; but, it had been proved in the committee above stairs, that practices of the most unjust and iniquitous description had occurred under the authority of the magistracy. He remembered that, when it was in contemplation to establish petty sessions, it was said, that that measure would remove all ground of complaint on the subject of the magistracy, because one magistrate would be brought to act as a watch upon another, and it would be impossible for any of the body to take illegal fees, or to pursue other improper practices. The evidence given before the committee up stairs had, however, shown, that the measure had failed to produce that effect. He therefore was entitled to call upon the House not to put forth in the declaration, that there was nothing wrong in the conduct of the magistracy; for the fact had been denied before, and the denial had been found to be unfounded. It had been made apparent, in the same committee to which he had before alluded, that there was a general indisposition, on the part of the people of Ireland, to obey the laws. That was not at all surprising, considering the manner in which those laws were administered. He would give the House an illustration upon this point. By a return which had been laid upon the table, it appeared that, in the course of six years, 6,000 persons had been committed for offences under the distillery laws. Those persons were of the poorer classes, upon whom those laws pressed with peculiar severity. In the examination before the commission of inquiry, a witness was asked, "Did it ever occur to you, that it would be desirable to distil fine spirit in order to supply the tables of those who have been accustomed to use poteen?"—that was, the illicit whisky: the witness answered, that he did not think it would be a good speculation, "for except from the dignitaries of the church, the officers of the army, and the magistrates, there is no demand for illicit spirits" [a laugh]. Those were the persons who countenanced the violation of the law, and were instrumental to the commitment of the 6,000

poor people. It was impossible that the population of Ireland should contemplate such an administration of the law with feelings of respect. He did not wish to be understood to censure in every particular the administration of the law in Ireland. He paid a willing tribute of admiration to the unrivalled combination of learning, integrity, dignity, and every thing that could recommend a judge, which was to be found in the present chief justice of the court of King's-bench in Ireland [hear!]. He would not go further—he would not travel into a neighbouring court, where, perhaps, he might find buffoonery supplying the place of learning, and the pun of the day superseding the gravity of the law. In the observations which the hon. under secretary had made respecting the archbishop of Tuam, he had not explained the cause which had operated the change of feeling in the Catholics towards that reverend individual. The Catholics did once, as the hon. gentleman had stated, entertain a most affectionate regard for him, which they displayed on one occasion by assembling of their own accord, and getting in his harvest for him; and, it was not until the archbishop, acting, doubtless, under the impulse of what he conceived to be his duty, went forth on a crusade of proselytism, that an alteration in the feeling of the Catholics took place towards him. The charge of ingratitude was one of the last which could be established against the people of Ireland. If they had not any devoted attachment to the laws, it must be attributed to some other cause than a want of gratitude. His hon. friend who spoke on a former evening, attributed the restoration of tranquillity in Ireland to the penal law which was passed last session, and he therefore consistently enough gave his support to the present measure. He (Mr. Rice), however, did not connect the tranquillity of Ireland with the enactment of penal laws; but thought, on the contrary, that laws of a different description would be much more effectual in promoting peace in that country. It was lamentable to contrast the present reign with that which had preceded it. The last reign was, with respect to the Catholics, a reign of concession. He could refer to many documents of the Association, to show that the Catholics entertained a strong feeling of gratitude towards the late monarch for the benefits which he had conferred upon them, when it was known that his personal feeling was opposed to any concession to the Catholics. But in the present reign, and under different circumstances as regarded the feeling of the Crown, parliament was called upon to pass penal laws against the Catholics; for he could not consider the present bill in any other light than a penal law. The bill, he was satisfied, would be inoperative. The right hon. Secretary for Ireland, when he introduced the measure to the House, had said, that he would be prepared to run a race of ingenuity with the Association. But the right hon. gentleman should recollect, that the race would be one of a peculiar description. The Association would always have the start. When the right hon. Secretary should set out from his office, the Association would be at Hounslow; and they would maintain the same relative distance on all occasions. If the right hon. Secretary should succeed in putting down the present mode of discussion, the Catholics would seek for other modes, and they would be justified in so doing. Although, however, the bill would be inoperative for good, it would be deeply and extensively operative for evil. The present bill was the first measure which would bring the legislature in contact with the peasant. There was not a man who had subscribed his penny to the funds of the Association who would not feel, if the bill should pass, that the arm of parliament was raised against him. He had not the same weight of character as his right hon. friend below him (sir J. Newport), but, echoing the sentiments which he had addressed to the House, he implored them to pause before they took a step which would weaken in the people of Ireland that feeling of respect for parliament and the constituted authorities of the country, which it ought to be the wish of every man to strengthen. At the same time, if a proper course should be taken to put down associations in Ireland, no one would more readily assist in such a work than himself—for no one more detested a government of associations, and no one more admired a government of law. On the grounds that the measure would be inoperative, and that it was proposed to pass it without any evidence, he would vote against it.

Mr. *Brownlow* said, that he rose to give as much aid as he was able to the right hon. Secretary for Ireland, who had with

so much wisdom and manliness introduced the present measure; and who had supported it with so powerful and unanswerable a statement. He knew not whether it was to the right hon. Secretary that the hon. member for Queen's County alluded on a former night, when he said that the marquis Wellesley was thwarted in all his wise measures. It was too much the fashion to put forth such statements; they were easily made and could be met in no other way than by a simple denial. With respect to the right hon. Secretary, he would say, that he knew of no man who had laboured more diligently in his vocation, or better succeeded in undertaking and bringing to a successful termination, measures difficult in principle, and almost impossible in practice. He did not, however, wish to separate the right hon. Secretary from the rest of the Irish administration, however other persons might be disposed to do so. It was constantly represented by hon. members opposite, and as constantly repeated, that at length it began to be believed as a fact, that the whole of the Protestant population of Ireland were drawn up in hostile array against the marquis of Wellesley and his administration. That he denied. Under the administration of the noble marquis, the greatest good had been accomplished for Ireland; under his administration Ireland had become a subject of peculiar attraction; under his administration a ready ear had been lent to the representation of grievances, and a willing and speedy hand to the redress of them; under his administration the country had passed from a state of rebellion to a state of tranquillity. For all those blessings the gratitude of the people of Ireland was due to the marquis Wellesley, and thanks were returned for them by no part of the community with more sincerity or unaffected pleasure than by the Protestants of Ireland. Such being the case, what had induced the government to enter upon their present course? It was said, that government had embarked in a crusade against the liberties of the Irish people. The last idea which had been broached on the subject was, that the marquis Wellesley was jealous of the efforts which the Catholic Association was making to restore tranquillity to Ireland. In his opinion, the bill had originated in nothing but a desire on the part of the government of Ireland to restore something like legal authority where it had almost been beaten down by the usurpation of the Association. How much did he wish, that the sentiments which his majesty had been pleased to pronounce on the opening of the present session had been promulgated at the opening of the session of 1824. How much did he wish, that the petition which he had the honour to present to the House towards the close of last session, and which he supported with such remonstrances as he thought the subject merited, had not entirely fallen short of its object. For if that had been the case, the situation of Ireland, and of parliament, would have been very different, and much more agreeable than it at present was. At the period to which he referred, the right hon. Secretary for foreign affairs spoke of the Roman Catholic Association as a kind of safety-valve through which much bad feeling escaped—as a mere exuberance on the surface of the political body, which was an indication of the healthfulness of the system, and which, if left to itself, would in proper time disappear. But now the tone was changed; for, immediately on the opening of parliament, a measure was proposed for putting down unlawful associations. And what associations? Why, the Catholic Association, and the Catholic Association alone [cheers from the opposition]. If the measure was restrictive of the rights of the people, the blame of it ought to rest where alone it was due —on the Catholic Association. For what, he would ask, had occurred during the parliamentary recess on the part of the Protestants of Ireland, to call for any coercive measure? He would refer to the north of Ireland, where the greatest number of Protestants were to be found. Those persons who were connected with that part of the kingdom had it in their power to state, that since the meetings of the Association, the Protestant population had surpassed all former example of forbearance and moderation, as the Association had in the insults and threats which they directed against them exceeded all former instances of violence. He had heard the Protestant gentlemen of Ireland designated as a body of interested hypocrites, who had possessed themselves of the good things of the country, and were determined not to part with them. He could tell those who employed such language, that the Protestant gentlemen of Ireland, in the relations of parents, landlords, and magistrates, followed the precepts of their religion by studying the good of all committed to

their charge, in a manner not to be surpassed by any body of men in Ireland or any other country. He contended, therefore, that the measure under discussion had been called for solely by the conduct of the Catholic Association, and not by the Protestants. As children not sick were sometimes obliged to take physic to encourage others to whom the dose was really necessary; so must the whole of Ireland be subjected to the proposed law; the innocent suffer for the guilty—the just for the unjust—those whose object was to support order for those whose only object, he believed, was to involve the country in confusion. An hon. baronet had attributed the disturbances which had prevailed in Ireland to the exertions of Messrs. Gordon and Noel, and to the introduction of that wicked book the Bible. He was sorry to hear such an effect attributed to that book which had been ushered into the world with the glorious strains of peace on earth, and good-will to men. He denied that the respectable gentlemen to whom he had alluded had gone to Ireland on an expedition of proselytism. They had proceeded to Ireland on the part of the London Hibernian Society, which he had never heard accused of endeavouring to make proselytes. Was it proselytizing to distribute the Bible, and in the Irish language too? Was it proselytizing to pay Roman Catholic schoolmasters—to send round Catholic inspectors to all the schools which they had established? The fact was, that it was not against proselytizing that the Catholics had opposed themselves, but against education of any kind: for the Roman Catholic faith was founded on ignorance, and they were afraid that education would dissipate it [hear, hear]. The hon. and learned member for Winchelsea had stated, that he had observed most diligently all the proceedings, speeches, and writings, of the Catholic Association, and had not been able to find a single circumstance deserving of censure. Now, if he might indulge in the same style, he would say, that with the exception of the single document read by his hon. friend, the member for Limerick, he could find nothing in all that had been said, written, or done by the Association, but what proceeded from the most dangerous motives. But, he apprehended that the discussion on the present subject should be independent of whatever had been said or done by the Association. The Convention act was passed to prevent illegal assemblies; but its prohibitory provisions did not extend merely to assemblages committing any thing illegal; but to assemblages which had never done any thing improper. The assembling alone was a contravention of the act, and a peace officer was authorized immediately to disperse any assembly which he might find existing. A good deal of ridicule had been directed against the act by the learned member for Nottingham, on account of the exception which it contained with respect to the House of Commons and the House of Convocation. In 1814, a court of justice, in speaking of the act, declared that the exceptions which had been made in favour of the House of Commons and the Houses of Convocation, proved the extreme length to which the legislature intended to push the principle of the act, and that they were obliged to make those specific exceptions in consequence of the largeness of its wording. Those who ought to support the measure before the House, were those who had the interest of the Catholic question most at heart. The sentiments developed in the Association had done much to retard the progress of that question. The Association had not met to advance their claims, but to mingle vengeance with argument, and to intimidate the government. To show the bad effect which must result to their cause from their putting themselves in such an attitude, he would quote an opinion which must carry with it additional weight, as being that of the noble lord at the head of the government in Ireland. That noble lord, in speaking of the menacing position which the Catholics had assumed on a former occasion, had said "To claims so advanced, it would be impossible for parliament to yield, without compromising its dignity." Such had been the bad effect produced by the Association, that Protestants who some time ago would willingly have signed petitions in favour of the Catholics, could not now be induced to do so. One of the arguments which had been advanced in favour of the Association, was that which most proved its dangerous tendency, namely, that it had brought about tranquillity in Ireland. Now, if that were the case, the Association was also responsible for the disturbances which had so long existed. He admitted that the Association was now a most powerful body. In the beginning

it was insignificant, in as far as regarded the talents, rank, numbers, and influence of those who belonged to it. But now it contained amongst its members, peers, the sons of peers, and the Catholic hierarchy; and every man who had contributed one penny towards the rent felt himself identified with its interests and concerned for its existence. Did he state these facts for the purpose of deterring parliament from pursuing the course which ministers had proposed? No; but to show the urgency of the case, and to induce parliament immediately to exert itself to put down the Association. How did the case stand? The Association came forward, and said, "Grant us Catholic emancipation; admit us into parliament, and into all the great offices of the state which constitute the government of the country." He would suppose all these demands granted; but would a Catholic body, possessing the entire command and leadership of the people, stop there? No; they would go on to say, "Give us the church property; we are the people of Ireland; we are the original grantees to whom that property was given." No man, who possessed any knowledge of history, could suppose for a moment that the Catholic population of Ireland would be content with certain privileges and concessions, if the church, which was the God of their idolatry, obtained nothing in the grant. Parliament, therefore, if they made one concession to the Catholic Association, must be prepared to hear such language as this—"We are the people of Ireland; we constitute a population of six millions; one mind animates us; we can levy taxes; we possess the sinews of war; give us the church property, or we will take it, and shake all property to its very foundation!" That such would be the result of the continuance of the Catholic Association, he entertained not the slightest doubt. All such societies uniformly ended in mischief. Upon this point, he might with advantage quote the words which were used, in 1811, by the present chief-justice of Ireland, whom so many had joined in commending on the occasion of the trial of the Catholic committee. They were as follows:—"What man can answer for himself in going into a well-constituted political society? His first steps are deliberate, his first motives are good. His passions warm as he proceeds; the applause, never given to moderation, intoxicates him; the vehemence of debate elates, and the success of eloquence inflames him. He begins a patriot, he ends a revolutionist. Is this fancy or history. I well remember—who can forget?—the first national assembly of France, composed of every thing the most honourable, gallant, venerable, and patriotic in the kingdom, called together for the noblest and the purest purposes. What was the result? The wise, and good, and virtuous were put down by the factious and the demagogue. They were no longer masters of their will; they knew not the lengths to which they were going; they were drawn on by an increasing attraction, step after step, and day after day, to that vortex in which have been buried even the ruins of every establishment, religious and political, and from whose womb sprung that colossal despotism which now frowns upon mankind."* He thought the warning contained in that excellent passage was as applicable to the Catholic Association of the present day, as to the Catholic committee of 1811. He would now conclude by expressing an earnest hope, that parliament would adopt the measure before them.

Sir *James Mackintosh* said, that he listened on all occasions with pleasure and respect to the hon. gentleman who had just spoken, as well as to the hon. member for Derry (Mr. Dawson), considering them as the avowed and able advocates of a party which he lamented was, unfortunately, too powerful in Ireland. He did not chiefly rise on the present occasion to observe on what had fallen from them—not from any want of respect, but because much of what they had said was necessarily, on account of their situation, somewhat more tainted by the acrimony of Irish party, and somewhat more influenced by the anger of Irish factions, than a member for Great Britain could bring his mind to consider as worthy of much importance, when he came to discuss a question of such great interest to the whole empire as that at present under consideration. But he would not entirely pass over the observations of the last speaker, one of which he considered to be the most important that had fallen from any member of that House during the three nights' discussion which had taken place. He had seized the first opportunity of returning strength and of

* See Howell's State Trials, Vol. xxxi. p. 742.

hardly re-established health, to perform a great duty, which he felt to be incumbent on him, on a question which had created the deepest interest in his breast. He rose to protest against the new stigma thrown on the Catholic cause, on account of the alleged misconduct of the Catholic body. He rose to protest against the attempt to silence the complaints of the people of Ireland, without redressing their wrongs. He rose to protest against this new discouragement, added to the discouragement of centuries, which had been given to the people of Ireland. He rose to protest against a bill which, he thought, had been justly characterised as a bill to relieve the government from the necessity of doing justice to Ireland, and to protect the present administration in the continuance of their system of tampering with the miseries of that unfortunate country. It was against a bill possessing in his eye, all these alarming features, that he rose to enter his feeble, but earnest, conscientious, and solemn protest. The zeal with which he was actuated in behalf of the Catholics was not—as his right hon. friend (Mr. Tierney) had said of himself in that memorable speech exhibiting such an union of sense and wit, which closed the debate on a former night—connected with a love of their principles. He venerated the Reformation, and gloried in the name of Protestant. But, his glory in the Reformation was his glory in the principles upon which that great work had proceeded—the right of freedom as to opinion, and security from persecution. These principles it was, that formed the basis—the only real basis—of civil and religious liberty; and those who did not uphold them—no matter what their professed tenets—were no true reformers. Protestants they might call themselves, but they mistook their character; they were only Papists in Protestants clothing; setting up a small popery, a little exclusive one, within the Protestant church, in lieu of that greater system of popery which had once covered all Europe with its shadow. So long as the Catholics had remained, by nature, the natural ally of civil and religious tyranny, so long, if he had then lived, he (sir J. M.) would have remained their mortal enemy. The same principles, precisely, which were to influence his vote that evening in favour of the Catholics, would have impelled him to draw his sword against them at the battle of the Boyne. The principles of civil and religious liberty, established by the glorious Revolution—revealed first to the world, at the Reformation, by men who neither understood nor sought to practise them; but since, appreciated, acted upon, and fought for, by men whose hearts were purer, or their intellects more enlightened—those principles formed his creed; in them he had lived, and in them he hoped he should die; and in support of those principles it was—never on any occasion pressing upon his mind more strongly—that he now rose before the House in defence of the Catholic cause [cheers].

He rose now to defend the cause of the Catholics from an attack which was new—for as an attack, whatever its intention, he must consider the present measure—from an attack on the Catholics, which was new, and which had this further circumstance of peculiarity about it, that it came from the hands of persons who had, many of them, been among their oldest, ablest, and, he believed, most sincere supporters. He was bound, standing where he did, to look, not at the private wishes or hopes of gentlemen, but at their public measures—not at what had been said, but at what had been done for the cause of Ireland. It was now thirty years since two distinct systems had uniformly prevailed with regard to the consideration of Irish affairs. One set of gentlemen constantly ascribed all the evils which prevailed to the conduct of the Catholics, both the priesthood and the laity; traced every outrage to conventions, and committees, and Catholic Associations; and looked at those as symptoms of disaffections and discontents, which were but signs of weakness and distress in the community. The remedies proposed by this class of politicians had been force and fear, restriction and coercion. Another party, he must take the liberty to say, of higher bearing in the world—composed of persons more thought of in the present age, and likely to be better known and higher rated by posterity—this body had adopted a more liberal theory with regard to the question: they believed, that the miseries which preyed upon Ireland arose from the rooted hatred which burned between the two great factions, the conquerors and the conquered; and that the successful operation for restoring that country to health would be, to negociate a reconciliation between the parties, on the basis of equal rights and equal constitutional privileges. These

gentlemen did not think that Ireland was to be saved by coercion bills, and convention bills, and association bills. They did not think it wisest to attack the outward symptoms always, instead of the disease itself. Their remedy was a simple and a short one—satisfy the people, instead of coercing them. It was not proposed as a nostrum, or a quack medicine—not as any thing which would effect a sudden or immediate cure—but as something which was absolutely necessary to apply in the beginning, in order to restore the body politic to such a state of health and strength as would render it capable of profiting by all those circumstances which, in the ordinary course of time, contributed to the advantage of communities [hear, hear]. Now, to effect this desirable object—or, in other words, to effect Catholic emancipation—that object for the attainment of which, peculiarly, the Irish Union had been brought about, if there was truth in what the author of that Union [Mr. Pitt], had uttered) during his life, or in what his friends had declared for him after his death. In truth, as regarded this particular fact, Catholic emancipation had been the only real ground ever pretended to be offered for that Union. The Union with Scotland had proceeded upon a distinct and different principle—the preservation of the Protestant succession in the line of the house of Hanover. The Scottish Union had removed those parties among whom discontent chiefly lay from a parliament in Scotland, where their power was considerable, to a parliament in England, where it became neutralized, or comparatively slight. Here was a decided purpose answered. But, in Ireland, the discontent and dissatisfaction prevailed among an entirely different class of people; the Union—except in the way of Catholic emancipation—could not remove them—could not touch them—could neither weaken nor satisfy them a jot [hear, hear]. Let the House look at the view which had been entertained on this subject. Let them look at the words used by lord Grenville in presenting a Catholic petition to the House of Lords in the year 1805:—"We are now called upon to perform the duty," these were his lordship's words, "imposed upon us by the Union." He (sir J. M.) meant to speak disparagingly of no man on account of his political opinions; he trusted he was not given, either in that House or out of it, to speak hastily in disparagement of any one. But, he might say truly, and he would say, in favour, as far as the fact went, of Catholic emancipation, that it was a measure as to the importance of which, ever since the Union, all the talent and all the genius of the British nation had been aroused; and still more, as to which, with one distinguished exception, all the talents since brought forward had ranged itself on the liberal, and, as he thought, the reasonable side of the question. Let it be remembered that the House of Commons had passed a bill for this purpose—that the House of Lords, in the year 1812, had rejected, by a majority only of one, a resolution proposed by the marquis Wellesley, pledging itself to entertain, at a subsequent period, the question of Catholic claims. And, what was the feeling of the country now—what was the opinion of the people? Why, not only within the walls of parliament, but throughout the kingdom—not merely among the informed and educated, but among those who were most likely to be swayed by habit and prejudice—there was not a class of men in all England, among whom it would be impossible to raise up the savage, senseless, and unnatural yell of "No Popery." Powerful as its brutal influence had been at one period, it would not have force now to excite a mob to the most vulgar outrage [hear, hear]. He dwelt upon this fact, because he had heard it asserted, though he did not believe a word of the statement, that there was a feeling of hostility, on the part of the people of this country towards the claims of the Catholics. He did not believe the fact; he believed that those did ill, believe it or not, who lightly gave it currency. It must be distressing to any man of sound mind to fancy that England felt unkindly towards Ireland. Nothing could be so prejudicial, so fatal, as to teach six millions of people in Ireland to believe, that twelve millions of people in England were their enemies—inclined to hate, or to despise, or to bar them of those liberties which were their own proudest boast among all the nations of the globe. He was bound to confess that, putting himself in the place of a Catholic, he should feel such disappointment, such dissatisfaction as he wanted words to express, at his present situation. In the twenty-fifth year of a Union, formed expressly for the sake of effecting Catholic emancipation, under an Irish minister whose praises he had perhaps too

often and too presumptuously repeated before the House—under an Irish lord lieutenant on whom all parties had agreed in bestowing commendation—an under Irish Attorney-general whose talents it would be gross injustice to compare with those of his predecessors—to find, under all these circumstances of seeming advantage, the wise part of the government coming over to the tricks and devices of that very party which it had so long resisted, and acquiescing in the very principles which led to coercive laws in the present, and to a vista, be it understood, of similar laws still more alarming in the future; for what did the right hon. Secretary mean by his hint as to "the wisdom of parliament keeping pace with any projects of evasion," but to involve the House in a series of inglorious squabbles, with petty conventions, and committees, and associations—quarrels in which no honour, heaven knew, was to be gained by victory, and the greatest danger might be apprehended from defeat [cheers].

Having touched thus far, then, upon the general policy with respect to the Catholics, in the few remarks which he meant to apply to the present immediate question, he would adopt that course which had already suggested itself to the logical mind of the Attorney-general for Ireland. The right hon. and learned gentleman had divided the question into three heads; first, whether the intended law would, or would not, be an infraction of popular privileges; secondly, whether its operation would not be injurious to the Catholic cause; and, thirdly, whether, through that operation injurious to the Catholic cause, it would not be pregnant with danger to the well-being of the whole British empire. The right hon. and learned gentleman had taken another argument, which rode over and swept away all the others; namely, that necessity, the "salus populi, suprema lex," might be justly pleaded. If necessity could be truly and justly pleaded in support of the bill, all the other arguments of the right hon. and learned gentleman were unnecessary. No man was more disposed to hold necessity "the plea of tyrants, and the creed of slaves," than he was; still necessity, if it could be shown, although it was commonly the pretext of tyranny, might sometimes form the justification of vigour—where it did clearly exist, it was, truly enough, not only the suprema but the sola lex, superseding, for the time, all other powers, and exacting from all an absolute obedience. And, therefore, to begin first with this plea of necessity, he would beg the attention of the House to a short inquiry into the grounds of that necessity. In the first place, it was of great importance that he should distinguish between convenience and necessity; because he by no means intended to allow the same force to the first of those pleas as to the latter; and—for the rest—he never meant to deny, nor had it been denied by any one, that all Associations, or conventions, or leagues, whether holy or unholy, or by whatever title they called themselves, which bound great bodies of men together, separating them from, and often making them hostile to, their fellow-citizens—no one meant to deny, that all such alliances as these were both inconvenient and undesirable. But, the allegation here was not of convenience, it was an allegation of necessity; and he would entreat of any gentleman intending to address the House, to look only back at the history of all such Associations, and see whether they had ever existed in a sound and healthy state of any community. If then it appeared that these very Associations were symptoms of a distempered state, the hon. member for Derry when he told the House, that the history of Ireland was the history of Associations, admitted in fact, that the laws in that country had been feeble, and the government tyrannical [hear, hear]. For did he not say, in effect, that individuals had been able to find no safety but in private league, because the government had wanted either the power or the will to do them justice? If hon. gentlemen looked to the most remarkable examples of associations like those complained of, would they find one—only one—where such had been destroyed by coercive laws? Would they not find that laws, prosecutions, arms, had all been employed against them in vain?—and that they had never died unless of a natural death, brought on by exhaustion of the zeal which first produced them, or in consequence of concession and the removal of those grievances, the existence of which only had cemented them together? But, the question was, how far a necessity existed in this case—not how far any measure was convenient or desirable; for that plea he protested against. Nothing could be more easy in any debate than to use the argument of convenience; the difference might only

be of degree; but it was a difference of the very last importance, notwithstanding. What were the grounds, then, stated, to induce parliament to believe this great necessity existed? They consisted in mischief intended; such mischief absolutely done; dangerous language uttered, and so forth. Now, with respect to the mischief intended, he appealed, upon this point, directly to the right hon. and learned Attorney-general for Ireland, and called upon that learned gentleman in person to contradict every thing that had been said, as to the evil intentions of the Catholic Association. That right hon. and learned gentleman could not hesitate as to the fact; because he had already pronounced his judgment upon it. He had first said distinctly, that he acquitted the Catholic Association of any such intentions; and, next, that he would not charge such intentions against any individual connected with it. The right hon. and learned gentleman had done more than this; for he had gone on to assign the reasons why he found it impossible to suspect any but good intentions on the part of that learned, eloquent, and celebrated person Mr. O'Connell, now likely to be even more celebrated by the proceedings of the legislature; admitting it to be impossible, looking at that gentleman's personal qualities, talents, fortune, and situation, to imagine, for a moment, that he could have the mind of a conspirator. The right hon. and learned gentleman took the view taken by Cicero—"Magnis et multis pignoribus M. Lepidum respublica illigatum tenet. Summa nobilitas est hominis, summi honores, amplissimum sacerdotium, plurima urbis ornamenta, ipsius, fratris, majorumque monumenta, probatissima uxor, optatissimi liberi, res familiaris cum ampla, tum casta a cruore civili." The virtues of domestic life, and the rewards which naturally attend them, the Roman considered as the best pledges the state could hold for the intentions of an individual.

The evil intention, then, being disposed of, are come next to the mischief actually done. The case for mischief done consisted in certain circumstances which had occurred in two particular trials at law. The facts, such as they were, had been selected from among an immense body, no doubt, by the right hon. Secretary for Ireland, who possessed every means of collecting information, and whose duty it was, to furnish all there was of most importance. And, upon the whole, it turned out that these prosecutions, as to which the Catholic Association was charged, not merely had ended in acquittals but that in one, so far from finding any hindrance given to justice, the judge upon the bench had thanked the counsel for the Catholic Association, who conducted the prosecution; and that in the other, the same compliment from the same quarter had been paid to the Association itself. These were the "mischiefs done," in virtue of which it was proposed to suspend the constitutional rights and privileges of six millions of persons in Ireland. Now the right hon. Secretary for the home department (Mr. Peel) went beyond mischief done or even intended, and looked to inconvenience, which independent of any ill-will of the Association, would arise. That right hon. gentleman said that, coupled with a case lately decided in England, if the Catholic Association continued to exist, and especially if counter-Associations among the Orangemen were formed, an end must soon be put to the administration of justice altogether; for there would be no juries left capable of trying causes. What the right hon. Secretary here alluded to was, that it so happened, that the present respectable Lord Mayor of London had once lent his name (he had since withdrawn it) to a mischievous society, calling itself the "Constitutional Society." This worthy Association had been more commonly, as well as more properly known by the title of "the Bridge-street Gang" than of the "Constitutional Society:" but so it happened, that the Lord Mayor, being then sheriff, had returned a jury upon an indictment promoted by this very Association; an objection had been taking to this as a partial return, and that objection had, most properly, been sustained. "Now, then," said the right hon. Secretary for the Home Department, "we stand in this predicament—every Catholic who subscribes to the Catholic rent will be interested in any trial in which the Catholic Association may be concerned; consequently, pro defectu juratorum, we shall have no prosecutions—there will be no jurymen competent to serve. This was the law upon the case of the King v. Dolby." He (sir J. M.) admitted it, and desired to give the hon. Secretary full credit for it; for, by its assistance, he had completely

argued this bill out of the House. He had thrown the bill over the table, and rendered it impossible, if his argument was good for any thing, to pass it.

The next point to which he should apply himself, was the charge of warm and indiscreet language used by the members of this Association at their meetings. This statement he should not follow at length. That had happened in the Catholic Association which must necessarily happen to all bodies of men placed in a similar situation. They had met to discuss a question upon which their feelings were peculiarly alive: and every man who spoke in public used expressions oftener than he could wish which savoured of exaggeration. But, the point that followed was one to which he entreated the attention of the House, its candour, and its justice; he bespoke its closest attention, while he presented the case, upon which a body of men were to be brought to the bar as criminals; and for which the whole population of Ireland were to have their rights invaded, and their liberties cut down. The charge in question was a heavy one. It was comprised in two whole sentences of an address to the people of Ireland, published by the Catholic Association on the 2nd of December 1824. Before the present bill was read a second time, if, unhappily, it should go so far as to be read a first, he did entreat, that hon. members would read the address through from the beginning to the end; and then let any gentleman put his hand upon his heart and declare whether (those two passages excepted) the whole mass breathed any thing but a spirit of conciliation, and a desire to restore peace and harmony in Ireland. Was this, or was it not, the clear object of the address? He protested that he should consider it as the strongest proof he had ever met with of the blindness of party, if any person alive could read it and entertain a different opinion. He would trouble the House with one or two of the points contained in this document. First, among other topics of dissuasion from acts of outrage and violence, was urged the loss of life and general misery which ensued from such a system. Upon this point it was necessary to remind any hon. member, how many innocent persons had suffered tranportation, and even death, out of the system of Whiteboy crimes. Again, some might blame the administration of the law for this, but good sense must convince every man, that it arose necessarily out of that general conduct which led to heavy rewards, &c. given to informers. Now, what was this? He would not trouble the House with the document in words at length; but, what was this, if it were not a vindication of the laws? Was it not saying distinctly to every peasant—"You see your neighbours, whom you believed innocent, suffering by the law. This seems criminal to you; but we, who know better than you do, tell you, that individuals in authority are not to be blamed for occasional events of this nature, they are the natural results of that very state of society which turbulence, while it exists, will still go on producing." Let the House observe with what caution the address avoided the least approach to any topic which might inflame the minds of those to whom it was directed. The peasantry, to whom the Association spoke, were ignorant, and easily inflamed. Was there one word in the address even naming the Insurrection act? a subject upon which, to such men, one word would have been sufficient. The Catholic Association used every pains to avoid producing danger, or giving offence. They cared not what topic they gave up—what grievance they left untouched—rather than run the hazard of exciting dissatisfaction. And their reward for this conduct was a bill brought into the House to put them down for ever; and a charge of libelling those very laws, which it had been their greatest anxiety to vindicate. Was a further proof of this necessary, let the House look at the very next paragraph of the address—the statement of the danger to be apprehended from informers. Was there a topic more popular to be imagined than an attack upon the employment of these informers? And yet they were left unnoticed and untouched. Surely it was not an attack upon the law, to point out to men the consequences of crime. He did protest that, looking at this address, he could not conceive a greater distortion of plain English than was to be found in the meaning which the right hon. Secretary for Ireland had put upon it. Whatever gentlemen might think as to the subject in general, let them only read that address, and deny, if they could, that its obvious intent was, to pacify and to conciliate.

He next came to the word "hate," upon which so much stress had been laid

by the hon. gentleman opposite; and of which he would only say, that he had never before heard the object of a word so much exaggerated, even by those who were apt to employ terms freely in their own case, which they blamed as freely in the mouths of other people. If he was not mistaken, it was Dryden who mentioned a description of critics gifted in that peculiar way, who illustrated the value of the doctrines which they preached, by the constant violation of them in their own practice. This great point—the word "hate"—which the Attorney-general for Ireland, with a dignity worthy of his commanding eloquence, had disdained to notice—really, he himself could hardly make up his mind to treat it seriously. Dr. Johnson had said of some friend of his, that he was a "good hater"—he hated a Whig, and he hated a Scotchman. Now, he (sir J. M.) had the honour to appear in both those characters; and was, moreover, a member of an institution which the doctor himself had founded. But he had very little doubt that, if the learned professor of hatred to Whigs and Scotchmen could rise again, he should himself be able to conquer that hatred, except that the doctor might hold him very silly if he went so far even as to notice it. "For did any body ever suppose," continued the hon. and learned member, "that hatred to a party implied any thing like hatred to the individuals who composed that party? Suppose, for instance, that I were to say I hate Tories, I should only use a very natural language—because I dislike their opinions, and, politically, their ways of thinking. But, if these words were taken in their strictest acceptation, I should receive very great injustice, inasmuch as there are among those Tories many individuals for whom I have the highest respect and love, although they have chosen to take a name which, prior to the accession of the house of Hanover, was regarded as the name of an enemy, and which never was, certainly, thought of as likely to belong to a party in the state." Could it be doubted for a moment what was meant by the name of that party, by their hatred of which the Catholics were adjured to abstain from those very excesses which furnished the members for Derry and Armagh with arguments against them? What was there in the term "hatred?" Was it not used everywhere? Was it not used in that House? Would any member be blamed for saying in parliament, that the evils of Ireland proceeded from the hatred of the two rival factions which divided her? And besides—take the words in their broadest sense—how long had it been immoral or indefensible to excite even one vice in a man's mind against, and in competition with, another? If it were not that, providentially, there existed an animosity, a tendency to counteraction, in men's vices, few of them, perhaps, would boast of very material virtue. He who by rousing, say one ill disposition in a man's mind, found means to extinguish, or silence, another which bid fair to lead to present and to dangerous crime, deserved to be applauded and to be thanked, rather than condemned, for his conduct. The adjuration of the Catholics was little more, if any thing, than an enlisting the passions on the side of peace. It was only saying in rather poetical terms, "By all you hold most ill, and by that vice which most naturally besets you; by your religious principles and your political privations; we adjure you to practise peace and good-will towards all men:" that is "We adjure you to practise peace and forbearance, by those very principles which would induce you to a contrary course of conduct."

He now came to a passage in the speech of the hon. gentleman who had last addressed the House, upon which he was peculiarly desirous of commenting. That hon. gentleman had said plainly, that the present measure was not pointed against associations in Ireland in general; Orange societies might have gone on forming for ever, and no one would have interfered with them; it was the Catholic Association only which made this general restriction necessary. The bill affected to be pointed against both parties; but, in reality, its "thunder" was levelled at the heads of the Catholics alone. The fact, on the part of the hon. member for Armagh, was avowed, the Orange people were not deceived; they knew that the Catholics only were the real subjects of attack. Now, the hon. member had said—speaking of the form of the proposed measure, and complaining of even its show of general application—that there were some fathers who, if it was necessary to give one child in the family a dose of physic, would make all the rest, though a dozen, take it for company. Now he (sir J. M.) was a father and a grandfather, and he would tell the hon. member what

his policy would be on such an occasion. He would give the sick child the dose of physic, and the others a glass of lemonade: as gentlemen were actually proposing to do, by the measure before the House, to the people of Ireland. But, then, he would tell the children who had the lemonade to make very wry faces and take it as physic, which the hon. gentleman did not do. The hon. gentleman would not give into the deception: he would not make the wry faces, but said openly that he knew it was lemonade that his friends were taking. And, after all, did the House believe that equality, in a case like the present, was possible? His hon. friend, the member for Dungarvon, who opened the debate that evening, had very properly observed, that the bill might act upon the Catholic Association, but never could apply against the Orange societies. And the cause was clear—the proceedings of the Catholics were open, and therefore could be come at; but the Orange lodges would evade the law, as they did already evade it, by that secrecy which formed the very essence of their proceedings. And, even independent of this broad distinction of secrecy and publicity, there were two other causes which must render this law wholly unequal in its operation. The first cause was this—that the Orangemen needed not the formality of an association to keep them together. The Orange party was made a party by the law; its members were brought and banded together on all occasions. On grand juries, in corporations, in other situations out of number, their exclusive duties brought them into contact; and an association with them was a mere engine which might be dispensed with; or used, as long as they found it convenient. Then another cause, and a still stronger one, why this measure must bear unequally, was this—inactivity was no evil to that body which was in possession of the monopoly. Those could well afford to let things remain as they were, who had the whole sweep of the kingdom in their power. There was no pretence to equality about a measure so unjust and partial.

The argument of the learned Attorney-general for Ireland was, however, of a nature still more specious and ingenious than any which thus far had been noticed. That learned gentleman, unable to rely upon mischief done, and not prepared even to allege any thing like mischief intended, had placed his reliance upon the danger which in future might possibly result from the ascendancy of the Catholic Association over the minds of the people of Ireland. To this it was, then, that we came at last; the learned gentleman spoke not of what had been done—his case rested on a *may!* The present was the first occasion he believed on which the ministers of the Crown had proposed to suspend the liberties of six millions of people on a possibility of abuse. However, as little or no cause could be shown to justify the measure, the next course was, to show that it required no justification. Accordingly, the learned Attorney-general declared that it amounted to no encroachment upon popular privileges. This was, plainly speaking, to maintain a proposition in argument which contradicted itself in terms; for, to say that a new limitation of an ancient right was not an encroachment, was to assert that a whole was not equal to its parts. He had always understood, that whatever a man might do by law, was a right that he enjoyed. Whether it was just or necessary to limit that right might be a question; but to say that such a proceeding would not be an innovation was impossible. A right hon. gentleman opposite, in speaking of innovations, had said that so many had come from his (sir J. M's.) side of the House, that it was impossible for the other side not sometimes to fall into them. Those innovations at all events, were not like the present. Suspensions of the Habeas Corpus act—checks to the right of petition—restrictions upon the liberty of the press—all these, at least, formed legitimately the "thunder" of the right hon. gentleman himself; and he was welcome to the application of it. That the measure proposed was an encroachment on popular rights in Ireland was quite clear. He (sir J. M.) should say, that even to reduce the prerogative of the Crown would be unconstitutional. The same he would say of the rights of the House of Peers. The same of the rights of the House of Commons. But most of all of the rights of the people, for whom alone kings and princes rule and govern. To attack their power of meeting to discuss their grievances—to speak out their wrongs or their fancied wrongs, was a course so unconstitutional, that, even as applied to Ireland, he was surprised to hear it advocated.

He would now advert to another point, on which some stress had been laid on a former evening. It had been said

that the proceedings of the Association were injurious to the interest of the Catholic body in general. He denied the fact. The acts of the Association had, he would contend, been of great advantage to the Catholics of Ireland. But it was curious to observe the parties from whom this objection came—from those who were themselves the openly avowed, the constant, and, he would admit, the conscientious opponents of the claims of those Catholics. The very source from which the objection came, proved that the Association was considered beneficial to the Catholic cause. Was not the fact of the opposition given to this Association by the enemies of Catholic emancipation sufficient to prove to the Catholics themselves that that body was acting a part serviceable to their interests? Would it be wise in them to withdraw their confidence from that body because they were so recommended by their avowed opponents? It was not unnatural to be taught by the acts of an enemy; but it would be the height of absurdity to be advised by an enemy on that point on which he had avowed his greatest hostility. Such a course could not be expected from any man who was sincere in the cause in which he was engaged. Why should it be required at the hands of the Catholic people of Ireland, anxious as they naturally were in the prosecution of their just claims—But it was said that this Association interfered with the administration of justice. That was a point on which all who valued the constitution should feel extremely jealous. The tampering in any manner with the even course of justice should, he most freely admitted, be looked upon with great alarm by every true friend of his country. This was the general principle: but let the House consider its application in some instances. The House were engaged in the year 1823, in an inquiry into the conduct of the sheriff of Dublin. Few members he believed would ever forget the proceedings on that occasion. They had there abundant proofs of the interference with the course of justice on one side. They had seen how attempts had been made and not without success, to tamper with and give a bias to the regular course of the law. Remembering those facts, he would ask the right hon. and learned gentleman (Mr. Plunkett)—he would ask the House, were there not some grounds for interference on the other side? Was the necessity, he would call it, of such counteracting interference on the other side not proved by the evidence elicited on that occasion? Was it not clear, that the tampering on one side would beget a meddling on the other? Was this not proved by the result, that the heads of one party, on that occasion, marched away from their bar after triumphing over the privileges of the House? Was it not proved that an evil of such magnitude on one side must give rise, however objectionable both might be, to its corrective on the other? He was opposed to any tampering or interference either way; but could it be possible that it should always be allowed to exist on one side alone, or that existing at all on one side, attempts should not be made to countervail it on the other? He bore in his recollection what had been said the other night by the hon. and learned member for New Ross (Mr. Dogherty), about the purity of the administration of justice in Ireland. He believed the hon. and learned member mistook the argument on that occasion. The purity of the administration of justice was not complained of, as far as the learned persons appointed to preside over the several courts were concerned; but what was complained of was, that attempts were made to prejudice the administration of justice by a party supposed to be hostile to the interests of the great body of the people—that the means of doing so were exclusively in the hands of a conquering faction, and that they were disposed to use them against a conquered, a hated, and an oppressed party. This was the kind of interference which was complained of. That this state of things should give rise to attempts on the part of those who were exposed to the effects of such undue influence was natural; the motives for it were to be found in the construction of human society, in the history of ages, in the general practice of mankind. In the present state of things in Ireland, it would be idle to suppose, that as long as a disposition hostile to the interests of the great body of the people was known to exist with those who, in so many instances, had the means of carrying their prejudices into operation, there should not be an apprehension, that the disposition would be manifested by hostile acts. Without imputing any peculiarly bad feelings to the Irish gentry, he would say, that the failings of our common nature being the same in all states of society, it would be a

miracle greater than any of Hohenlohe's to find that some partiality did not sway the minds of men who professed hatred to a large portion of their fellow subjects. It was impossible to expect that one portion of men, acting on principles hostile to the feelings, wishes, and hopes of another, could be decidedly impartial towards that other, where the power lay so entirely in their hands. The hon. and learned gentleman, who argued for the purity of the administration of justice in Ireland, and the total absence of any feelings of prejudice in that part of the Protestant gentry professed himself a friend to the Catholics; but the argument he used upon this point would cut away the ground on which he went upon another.

The hon. and learned gentleman, after a eulogy on the firmness, intrepidity, and impartiality which distinguished the conduct of chief justice Bushe, in Ireland, in resisting all attempts to tamper with the even course of justice between all parties in that country, proceeded to say, that the success of the present measure would be looked upon as a victory over the Catholics by the Orange Associations. Let the House but consider how this question was viewed by the two parties in Ireland; and from the different views which each party took, let them judge of what might be its probable, nay, its certain effects. It was a maxim with him, as it was with all who had any knowledge of the world, that most men knew who best contributed to their own interests. The Catholics, it was to be presumed, knew what forwarded their claims—the Orangemen knew what tended to retard those claims. The present measure was unanimously called for by the Orangemen. It was deprecated with equal unanimity by the Catholics. Both parties saw how their separate objects might be promoted or retarded by this bill; and he could not pretend to be wiser than either in what concerned them respectively. The Catholics would and did look upon this measure as a defeat of their hopes. The Orangemen would hail it as a triumph of their principles. Would any man say that this was a state of things which should be allowed to exist in the present situation of Ireland?

Another objection which he had to the measure was, that it was beginning a system of coercion which would be injurious as a precedent; and, the more so, as it would be found ineffectual. He was certain that this measure, as one for checking the progress of the Catholics in asserting their claims, would not answer. Suppose the Catholics were to continue their present union with their leaders—suppose that, after the passing of this bill, they should still retain the same confidence in the men who now directed their operations—what would happen? Did the House think that legislation must rest here? The present bill, it was said, was in the spirit of the Convention act, and it went upon the assumption, that the Catholic Association, if not the actual and chosen, were the adopted representatives of the Catholic body in Ireland. This construction was adopted by the hon. and learned gentleman. Now, what was meant by this phrase of "adopted representatives," but that the Catholic leaders had still the confidence of the people, as acting against their opponents? And what, he would ask, would happen if they should still find the way to keep up that confidence? Would not another bill become necessary in the spirit of this, as this was thought expedient in the spirit of the Convention act? Would it not be thought right to put down leadership on this, the one side, and confidence on the other? Would not some measure be required to prevent any communication between the leaders, and those whose opinions at least they would represent? What would this be but to say, that if the Catholics submitted to this bill (as submit he was sure they would), they would still adopt some new form of expressing their confidence and reliance on their leaders, and those leaders some new mode of giving effect to the feelings so expressed; and that there should be some new bill to check the one and suppress the other? Was it to be expected that such a system could be continued? If it did, the consequence would be, that anger would be succeeded by anger, and irritation by irritation, and the results would be similar to those which had been seen on another very important occasion. It had been well observed on a former evening, by his hon. and learned friend (Mr. Williams), that in the case of our early disputes with America, rules and regulations, highly coercive, were introduced, and, as was expected by the most eminent politicians of that day, led to excesses greater than those which they were intended to repress. Mr. Burke had, early in the discussions of that day,

predicted what would be the effect of those coercive measures. In his speeches in that House, in his address to the people of Bristol, he pointed out the consequences which would ensue, from attempts to coerce a feeling which could not be controlled, while the evil which gave rise to it was suffered to remain. Human nature was not altered since then. The same system, though it might not lead in the case of Ireland to the same results, would nevertheless be productive of consequences highly injurious to the interests of the empire. The causes which produced the irritation of public feeling in Ireland were not the same as those which existed in America, but they arose from circumstances which were much more difficult to deal with. It was well known that when religious feelings entered into any dispute, they rendered the question more difficult of amicable adjustment. The passions which they excited were more powerful in their effects, and in proportion as they were dangerous, they became more difficult of management. It could not be denied that a question of religion was mixed up with the present struggles of the Catholics to free themselves from the penal code. That question was always a delicate one to touch. He remembered that the hon. member for Bramber (Mr. Wilberforce), whose absence on the present occasion he sincerely deplored, when speaking of the remnant of the penal code as affecting the Catholics, described the Popery laws as the felon's dress continued on prisoners who were enlarged—that though nominally at liberty, they still bore about them the marks of their disgrace—that those marks were looked upon as insults, which were repeated by the English parliament every day that those laws were suffered to continue unrepealed. Those insults the House might be assured were not unfelt by the people of Ireland. To insult a man for his religion, was to insult him for that which he held most sacred—for that which was between himself and his God; and was ever considered as the most tyrannical and oppressing species of indignity which the wickedness of man could exercise towards his fellow-creature. What was it which caused the general union of all classes of Roman Catholics which now existed in Ireland? A general feeling, that all classes were equally the objects of those penal laws, because all were Roman Catholics, prevailed throughout that body. It was true, that, in effect, they operated on the few of the higher ranks, but they were not the less bitterly felt by the many, for the high were excluded for the same cause as the low. The insult was common to them all. It would be absurd to use the hacknied observation, that the question of the penal code was only whether Mr. O'Connell was to be eligible as a king's counsel, or a lord chancellor, or whether a few other individuals might be eligible to some other offices. The pressure of that code was equally felt by the priest and the peasant. Though all might not be equally affected by its removal, all were equally indignant at the disgrace of its continuance.

An hon. member had alluded to the Bible society in Ireland, and to the reception which some of its missionaries had met with there. He honoured the intentions of that society; but he did not at all wonder at the opposition which they had met from the priests and the laity. The Catholic priest believed and inculcated, that the sacred word contained in the Scriptures was not to be interpreted by every man, but that its interpretation should come from learned members of the church. Should we be surprised at this? If we were, we must be surprised at finding six millions of people Catholics. For as Catholics had ever been, this was the doctrine which they received. That doctrine was not a new one, at either side of the water; nor was it confined to the professors of one religion. He would state what had been said on this subject, not by a rev. Mr. Swiney, nor a rev. Mr. O'Shaughnessy, nor any member of the Carlow meeting, but by a writer who differed widely from them on theological matters. That writer had said, that the word of God, as found in the sacred Scriptures, was not to be interpreted otherwise than as it was explained in the Book of Common-prayer. Now this Book of Common-prayer was as much a human authority as the written or verbal explanation of any priest or prelate, or of the pope. The mode of giving the explanation might be different, but the application of the principle was still the same. The opinion he had quoted was that of Chillingworth, and it was the opinion of the writer of the book from which he quoted it—the reverend Dr. Marsh. Was it, then, to be wondered at, that the Catholic priests held a similar belief with

respect to the interpretation of the Scriptures? If the missionaries of the Bible societies found difficulties in Ireland, let them not blame the feeling of the priests or people for it, but let them blame the causes from which that feeling arose. It was not caused by a hostility to the Bible, but to those from whom the missionaries were supposed to come. It was believed, and not unreasonably, that they who endeavoured to continue the Catholic in exclusion from his civil rights, could not come with any very friendly disposition to interfere with religious belief. He would advise those missionaries to come to parliament to implore to be relieved from some of the great obstacles offered to their progress. Let them say, "Send us to these people as from those who are their benefactors; repeal the penal code, and then when we approach those kind-hearted people, we shall do so with the hope of being received as the messengers of those who have proved themselves interested in their welfare." If such were the language of the missionaries, and of those who sent them; and if the legislature listened to the prayer, then many objections which they may have to the Bible societies would be removed. He would say, who were, in effect, the greatest enemies to such societies—they who opposed themselves to the remission of the Catholic penal code, and who helped to continue the opposition to every system of improvement in Ireland; which must exist as long as those laws were suffered to remain. He would not delay the House much longer; but there was one point on which he could not remain silent. He would not say what might yet be done by the ancient friends of the Catholics of Ireland. It was well known, that Dr. Franklin, when leaving this country, on one occasion shed tears, and he believed they were from his heart, at the prospect of the disruption of America from England; but, when he found the Massachusetts bill and other such measures passed, he altered his opinion, and helped a measure which he saw was forced upon the people of that country. Whether the paradoxical cabinet opposite would pursue the same course, or had the same disposition, he would not say; but most certainly they did not act as if they wished for a continuance of the union between the two kingdoms. They said to the Irish people, "We exhort you to be loyal and peaceable and transcendantly virtuous as a nation, and yet we shall continue to act towards you as if you were every way unworthy of protection or regard." What effect did the right hon. gentleman think such language, for in effect it was used, likely to produce in Ireland? Was it calculated to cement the tie between the two countries? He thought it was not; but his hopes rested on the good sense of the people on whom those indignities were heaped. If he were considered worthy of advising the Catholics of Ireland, he would tell them, that to sever themselves from this country would be the beginning of a worse system than any they had yet experienced? that though the condition of England might not be improved by the separation, theirs would be rendered infinitely worse—that though they might be made the instruments of annoyance to a greater power, they would suffer most as being the weaker. However, he did not dread that any feeling of the kind would be entertained by the people of Ireland, though he must admit that such measures as the one now before the House, were calculated to excite them. The proposed bill was a most cruel addition to the penal code, already intolerably severe. It was a part of the "prison-dress"—a remnant of the fetters which were still suffered to gall that unhappy country. He would ask the House if they dreaded the influence of the Catholic leaders in Ireland, from which cause did they think the greater danger could arise—from continuing to refuse the repeated prayer of the Catholics, or from the existence of the Association? It was admitted that the latter arose out of the former: and it would not be contended that it would be done away until its cause was removed. He would ask them how government could think of providing for the lesser danger, and neglect to take any steps to obviate the greater? How could any man in his senses imagine that an effectual remedy could be applied to the evil, while the cause was allowed to continue in full operation? It was absurd to think of restoring tranquillity to Ireland by such a patched legislation. The effects of it, he much feared, would be felt when it might be too late to apply a remedy. For his own part, he was too far advanced in life to be influenced by any fears of witnessing the consequences of these measures; but he could not disguise his apprehension that there were amongst the right hon. gentlemen opposite some who would

live to rue their effects. They would, he believed, repent of what they were now doing. According to ministers, the Catholic question was but a secondary one to the present. They advised those who were known to be favourable to the question of emancipation to support this in the first instance. Some of those friends, would, he knew, support it; but he firmly believed they would have occasion to repent such support. They were called upon to take this first step, as absolutely necessary before the consideration of the great question could be gone into: but, did they recollect who they were who were loudest in that call? The enemies of the Catholics—those who were hostile to any concession being ever made to them. The cabinet, divided as they were on the Catholic question, were all unanimous in their support of this bill. One of them, the right hon. Secretary opposite, had arrived at the height of power; he was favourable to the Catholic claims; but how was his power applied? What effect had it produced, when the other night he had alluded to the necessity of putting down the Association—how was he cheered by those who were hostile to the measure of which he was the avowed advocate. In the same manner the right hon. and learned gentleman (Mr. Plunkett) was loudly applauded by the same opponents of emancipation. Did he not feel, when he heard those cheers, that he had got into the enemy's camp, and that the measure which he was then supporting, was hailed as a triumph over those whose cause, he, on other occasions, so eloquently maintained? He did not object to the appeal which the right hon. and learned gentleman then made, or to the defence which he thought it necessary to enter into, of his conduct; though he must say, he regretted that the right hon. and learned gentleman had ever descended from the high station which he held at the head of his country's cause, to join any administration not pledged to a redress of her grievances. The right hon. and learned gentleman, in putting himself on his trial, had made an appeal to the House as his jury. He (sir J. M.) might challenge that jury, and say they were not all impartial. Very many of them were interested in withdrawing, if possible, the full support of the right hon. and learned gentleman from the Catholics. Now, if he withdrew from those who approved of the statement which the right hon. and learned gentleman made, all those who were hostile to him on the question of emancipation, he believed it would appear, that the approbation of his measure, would be by no means so decisive. The hon. and learned gentleman thanked the House for the attention with which they had heard him, and sat down amidst loud cheers.

Mr. *North* began by observing, that as a friend to the Catholics of Ireland, he rose to give his support to the proposed measure, which would have the effect of freeing them from the odium which they might incur by the violence and folly of the Catholic Association. He was surprised that the hon. and learned gentleman who had just sat down, had not confined himself to the question immediately before the House. Instead of that, he had entrenched himself in the strong bulwark of the Catholic question, from which he had scarcely deigned to look down on the actual subject in debate. Instead of following the hon. and learned gentleman through the course of his extended arguments on other points, he would go at once to that with which he had set out. The hon. and learned gentleman had stated, that he would contend for the principles of liberty and free inquiry established at the Revolution in 1688. Those principles he would not deny; but he thought it only fair to examine how far they were consistent with the proceedings of the Catholic Association. According to the principles of the Constitution then established, the Commons House of Parliament were to be the sole representatives of the people. If this were so, it followed as a necessary consequence, that any other assembly chosen, or elected, or adopted, or in any other manner constituted, affecting to represent the people, must be illegal. He wished the hon. and learned gentleman had examined and compared the acts of the Association with the spirit of the constitution; and he was satisfied he would have found them wholly at variance. The Convention act was passed for restraining the abuse of that principle, and it was most wisely enacted. An hon. and learned gentleman (Mr. Denman) had said, that the House of Commons and Peers were excepted from the operation of that act. Now, he apprehended that no such exception was to be found in that act. The Houses of parliament were mentioned only as showing the necessity of the law, and pointing out the offence. The question, then, was, did the

Association violate that law or did it not? He would contend that it did. He cared not whether it was appointed by election before, or by adoption and confirmation after, its assembling. He cared not how the mischief was created; it was enough for him that it was in existence. The principle was illustrated in this way:—a stranger was in your house, controlling your servants, and otherwise acting as if he had the right to be there and not you. Was a man to be told under such circumstances, that he was not to consider why the stranger came, but whether he had entered through the door or by the window? [hear, hear]. He apprehended that it was immaterial how he came, whether he occupied this room or the other—if he were there and acting improperly, the only consideration should be the necessity of ejecting him. He would say the same of the Association. It was of no consequence how it was appointed, it was found to exist, was acting mischievously, and the only question was, ought it to be repressed? But, he would ask any man, could he doubt that this Association affected to represent the people? The hon. and learned member for Winchelsea, had said, that there was a difference between actual and virtual representation; but this difference was not recognized by the constitution. It was not recognized by the Association. It was not admitted by Mr. O'Connell. If Mr. O'Connell were told, that the Association was not duly elected—that there was no polling—no show of hands in the selection of its members—he would answer, "I care not for those forms or shadows of election. If you doubt that we are really the representatives of the Irish Catholics, ask the priests, who support us; ask the peasantry, who contribute to our treasury; ask the peers who are enrolled amongst our members, and they will answer you that we are, virtually and actually, their representatives." Now, he would ask the House, if this was the case, what was the inference? Was it not that this Association was really and bonâ fide acting as the representatives of the Irish Catholic people? And, was this to be b[illegible]? Was it to be tolerated, that this Association should enact rules, and levy contributions on the country? The amount of the Catholic rent, as far as money was concerned, was nothing; but, considered as an index of the public mind, it was of vast importance. The establishment of such a tax was a positive mischief; for it led the people to look up to other authorities besides the constituted authorities of the land: it loosened their confidence in the established institutions of the country, and, by that very proceeding, taught them to place it in a new source of power, which it at once created and fostered. Nor was that all. Every man who paid this tax was pledged to every object of the Catholic Association; he was with it "for better and for worse, for richer and for poorer;" he was wedded to it for life, and was thus inseparably linked to all its fortunes.

This alone was an intolerable evil; but, a still greater remained untold. He alluded to the meetings at which this Catholic rent was levied. The Catholic Association in Dublin was comparatively harmless; but the Catholic rent meetings, which were minor associations in the country, on the same principle, were pregnant with incalculable mischief. There the people were harangued from their altars and in their chapels by the minor members of the Catholic persuasion—men as devoid of caution as of education, who were not controlled as their leaders in Dublin were, by the censure of the press, nor influenced as they were by the force of public opinion. From the Association at Dublin there flowed a stream of seditious and turbulent matter into the country, from which it returned back to the Association in a thousand currents, full of every thing mean, narrow, and illiberal. Thus there was a perpetual interchange between two streams of bitter waters, which flowing, one from the Association at Dublin, and the other from the rent-meetings in the country, formed a whirlpool of prejudice in which peace and good order were certain to suffer shipwreck. The rent-meetings in the country, he repeated, were far more detrimental than the Catholic Association in Dublin. The leaders in the first had nothing to control them, and sought notoriety by means of seditious violence; in the latter, there was a power, before which even O'Connell, dictator though he was, bent and trembled.—"Divisum imperium cum Jove Cæsar habet." They who wielded it, were at once his ministers and his masters, and governed him, even at the moment they professed to honour and obey him [hear, hear].

A right hon. member had observed, upon a former evening, that one of the

evils of the Catholic Association was, that as all the members of it had the same objects, no discussion was ever produced in it. The observation was a just one, but had not, in his opinion, been pushed to its full extent. For, what was the consequences of all the speakers being thus on one side? Why, that as no man could obtain credit by ingenuity of reply or liveliness of debate, each man was obliged to establish his reputation by going beyond his associates in violence of language, so that the only emulation which was excited was an emulation of violence. This emulation, too, was not confined to mere emulation between the speakers at the Catholic Association, but produced similar emulation between the rent-meetings in various parts of the country. By this system, what was violent yesterday, came to be considered as temperate to-day; and what to-day was considered as the extreme verge of violence, would to-morrow be considered as too vapid for the palate of the public. A call for stimulants would thus be excited, which it required no great sagacity to predict would inevitably be provided [hear]. It was the nature of such associations to generate violence: they could not remain stationary: with them "non progedi est regredi." Their objects were daily varying. No man could say that he knew them; and he must beg leave to tell the hon. member for Queen's county, who had assured the House that he was fully informed of the designs of this Association, that the right reverend prelate who communicated that information to him, had no more power to explain them to him, than he had to explain them to the right reverend prelate. Mr. O'Connell himself, lord of the ascendant as he was in that Association, could not explain them; for the people would not be content to-morrow, with that with which they were contented to-day; and thus the Catholic Association of next year, if it was not suppressed, would be even a greater nuisance than it was at present [cheers].

After pointing out the manner in which the Catholic Association was at present attempting to work out its objects, and condemning, in strong terms, their improper interference with the administration of justice, the learned member referred to the case of the soldier, as a specimen of the mischief which their proceedings were likely to produce. If he were asked how it was, that, under the circumstances of that case, the soldier was acquitted, he would answer, because truth had a buoyancy and ascendancy in its own nature, which, when fair play was allowed, was certain to make it triumphant. He would suppose, however, that the soldier had been convicted instead of acquitted. The language of the hon. gentleman opposite would, in that case, have been loud and exulting: nothing would have been heard from them but declarations of the utility of this institution, and they would have said, "Here is an instance in which guilt would have gone unpunished, had it not been for the exertions of this Association to bring it to justice." He contended, that the argument which the right hon. Secretary had founded upon that case, had not been at all affected by any of the attacks which had been made upon it in the course of the debate, and maintained, that if the soldier had been convicted, the confidence it would have given to the Association would have been subversive of the administration of justice in Ireland [hear, hear]. It was assumed, he knew not why, that there was a mal-administration of justice in Ireland, and that the Catholic Association was of use as a counterpoise to it. Now, he denied that there was any such mal-administration in Ireland. From the year 1811, when he was first called to the bar, down to the ignoring of the bills against Mr. O'Connell, he had always seen justice fairly administered between Catholic and Protestant [hear, hear]. He stated that fact not as an advocate, but as a witness; and he conceived that his testimony, though it might not receive weight from his rank, was entitled to respect from its sincerity. Cobbett, who within the two last months had become the oracle of the Catholics, had given them very sound advice upon this subject. He had desired them to make out a list of the cases in which justice had been denied to injured parties who craved it, or in which oppression and violence had received a sanction from the law; and he had told them very sensibly, that the people of England would pay more attention to such a list of cases, with the names attached to it, than they would to all the violent language that they might use ad libitum in their clubs. The Catholics, however, had drawn out no such list; and for this plain reason—because they could not; no such cases of successful injustice having existence any where in the coun-

try, except in the heated imagination of those who had fabricated them [hear]. Supposing, however, that a mal-administration of justice did exist in Ireland, how was it to be corrected? Would hon. gentlemen take the balance of justice out of the hands in which it was now placed, and confide it to those of the Catholic Association? Supposing tranquillity were produced by such a measure, still might not the price paid for it be much too dear? Surely it would be so, if we sacrificed the dignity and authority of the government to obtain it. And yet, this was the price now proposed to be paid for it by the other side. They would consent to a divided authority, and a divided allegiance, and would put a sceptre into the hands of Mr. O'Connell, and a broken reed into those of lord Wellesley. He would rather see the people of Ireland existing, according to the pithy language of the common-law, "in the fear of God, and in the peace of our Lord the King," than in the fear of the Catholic church, and the peace of the Catholic Association. He would not accept tranquillity as a boon, if it were offered to him upon such conditions. He would hail tranquillity with pleasure, if it were produced by law; but he should recoil from it in alarm, if it were produced by an anomalous Association which, whilst it professed peace, carried in its bosom the seeds of disorder and war [hear]. He had heard, with great delight, the hon. and learned member's ingenious defence of the terms "by your hatred to Orangemen;" but, great as was the delight with which he had listened to it, it was an eloquent piece of sophistry too evident to deceive any body. It was a defence against which good sense and reason rose up in arms, "sensus moresque repugnant." The hon. and learned member who had devised it was celebrated as a great moralist and metaphysician. He would ask, in the language of a moralist superior even to that hon. and learned member, "Do men gather grapes of thorns, or figs of thistles?" Could peace be produced by appealing to the dark and malevolent feelings of human nature? Could men be encouraged to forbearance towards their fellow-citizens by appeals to the hatred which they bore them? However sophistry like this might smooth over the matter with the gentlemen of England, he was sure that it would be unavailing with the Protestants of Ireland. He had lived long enough in that country to know what was meant there by the term "Orange." He had heard an attempt to promote education among the lower classes of Ireland condemned as an Orange system. He had heard an attempt to carry several liberal schemes into execution held up to contempt by a similar designation. He knew that, with many of the Catholics of Ireland, the term "Orange" had a very wide signification. With many of them it resembled the ancient Irish mantle described by Spencer—"it was a fit bed for a rebel, a neat house for an outlaw, and a cloak for a thief." [cheers]. In the whole proceedings of the Catholic Association, there was nothing which justified suspicion and inquiry so much as the phrase "by your hatred of Orangemen." He would suppose, with the hon. and learned member, that those who had framed this invocation, meant to apply it only to the members of the sworn Orange Associations; still, he would ask, would those to whom that invocation was addressed, so limit its application? Were there not thousands, aye, and tens of thousands, too, who would understand by it all the Protestants of Ireland? Even supposing that this signification was not given to it by the Catholics, was it of no consequence that such a signification should be given to it by the Protestants? He would tell them that that phrase would be thus construed by the Protestants of Ireland—"Be calm, be tranquil for the present, my Catholic brethren; for such is the interest of your resentment; but cherish at your hearths and on your altars, the ashes of an inextinguishable hate against every Protestant; the time has not yet arrived when you can scatter them abroad with safety to yourselves and ruin to your enemies." God forbid that he should say that these were the sentiments of every Catholic in Ireland: he knew that there were men among them who would disavow them with horror and disgust; he knew that there were men among them of as high honour and as fine feeling upon matters of religion as himself; but he regretted that they shrunk from public notice, and could not be persuaded to step forward to rescue their glorious cause from the hands which were now degrading it. The hon. and learned member had also justified the phrase, by attributing the use of it to the feelings generated by the civil war of the vices. Was it not, he would ask, a civil war

of the vices which had so long been dividing and desolating Ireland? If the hon. and learned member could promote peace and harmony, it was that which would put an end to this civil war; but it could not be terminated whilst phrases were used which must naturally create agitation in the mind of the Protestant population. That was a consideration which ought not to be overlooked. There was not a prouder or a more high-spirited people in existence than the Protestant population of Ireland; and the Catholics might depend upon it that they would never gain the concessions they desired, if, instead of holding out the right hand of fellowship to their Protestant fellow-countrymen, they sought to create in their minds any feeling of alienation and alarm [cheers].

It had been said, in the course of the debate, that the Catholic Association was a counter Association. He denied it. If the Catholic Association had been instituted when the Orange societies were in their pride and strength, he might, though he questioned the policy, have admired the courage of those who entered into it; but it was instituted at a time when a command had gone forth from government to discountenance them, and when even the arm of government was uplifted to crush them; and, if those societies were again rallying, which, God forbid, it was in consequence of the re-action produced by the violence of the Catholic Association [cheers]. One hon. member had admitted the existence of such re-action, but had attributed it to the many Bible meetings which had recently taken place in Ireland. Could any man of understanding seriously believe that such a cause could have produced such an effect? He had himself witnessed some of these meetings, and until they were broken in upon by the spirit of faction, a more gratifying spectacle could not be exhibited, as the people in every quarter displayed the greatest anxiety to obtain information about them. Surely the agitation which now distracted Ireland could not be attributed to the circumstances which took place at these meetings, by any man who recollected the assertion of the hon. and learned member for Knaresborough, that free and unfettered discussion on religious subjects was a right of every man, established at the Reformation [hear, hear].

But, it was said that this agitation ought to be controlled, not by the enactment of a new penal law, but by the concession of their claims to the Catholics. He was as anxious as man could be, that those claims should be conceded: but if he could regulate the course of events, it would not be by Catholic emancipation that he would put down the Catholic Association. He would put it down by law first, and would then leave Catholic emancipation to come after [hear, hear]. He had been told, that if this law were passed, it would be evaded, in spite of all the care of the legislature, by the subtility of the Catholics of Ireland. He was of a very different opinion. He thought better of the loyalty, better of the good sense, better, he would say, of the policy, which distinguished the majority of them. For if there was one way more than another, by which they could heap coals of fire on the heads of their opponents, it would be by exhibiting coolness, forbearance, and moderation under their law. By so doing they would win the hearts and affections of the people of England to their side, and would thus merit, and ultimately obtain, that success, which no man wished them more cordially than he did.

He had thought it necessary to trouble the House thus in detail in explanation of the vote he intended to give, because he was upon the point of returning to Ireland, where that vote might deprive him of the esteem of many individuals for whom, whatever might be their future conduct towards him, he must continue to retain his esteem until the last moment of his existence. He hoped, however, that though they might not concur with him in opinion, they would still give him credit for sincerity; but if not, if he should be reserved for that severe trial—the loss of early and respected friends—he had in his bosom the strongest consolation which a man could have under such circumstances; namely, the necessity of the case, and the urgent call for it which had been made by the Irish government. He supported this measure, therefore, because it was in accordance with the spirit of the constitution—because it was congenial to that part of the constitution which made that House the sole representative of the people—and because it was calculated to uphold the authority of the law, the dignity of the government, and, above all, and beyond all, the peace and prosperity of Ireland [great cheering].

Dr. *Lushington* rose amid cries of

"adjourn." After they had subsided in some degree, he proceeded to observe, that the declaration which had just fallen from the lips of the hon. and learned member opposite—that his vote of that night might lose him the esteem of many valued friends in Ireland—was calculated to produce a suspicion in the mind of every man who heard it, that this bill, if passed into a law, would be productive of great mischief in that country; for if the animosity which it kindled was so great as to lead gentlemen of the same rank in life with the hon. and learned gentleman, to renounce long-established friendships, what must be its effects upon those of a lower rank, whose passions had not received any mitigation from education? He had heard the speech of the hon. member for the county of Londonderry (Mr. Dawson), not only with feelings of regret, but with feelings of apprehension. In the sweeping condemnation which he had passed upon all the Catholics of Ireland, he had uttered a libel upon the Catholic religion, and had given publicity to sentiments which, if generally prevalent, would annihilate all respect to the Catholic priesthood, even among those whom they daily laboured to comfort and instruct. He would ask the House to consider what the consequences would be, when the under-secretary of the Home-department, who from his situation was in possession of peculiar intelligence, indulged in violent invectives, not against individuals, but against a whole class and order of men like the Catholic priesthood? Fortunately, the bane had been neutralised by its antidote, and the attack of the hon. member had fallen harmless to the ground, in consequence of the vindication of the Catholics which had been so ably made by a gallant officer who had shortly followed him. He denied the justice of trying the Catholic Association by one or two of its isolated measures. That House, if tried by the same test, would necessarily fall under the censure of the public; for he could himself select several of its acts, which no member would be found hardy enough at that time of day to defend. "If I can succeed," continued the learned doctor, "in obtaining the attention of the House, I will endeavour to illustrate this proposition by a more familiar instance. I will take a society which is, to some extent, under the patronage of the right hon. Secretary for the home department. The association has also the honour, Mr. Speaker, of enrolling your name among its members. In the books of that Association—and I do not see any reason why I should mince its name—it is the University Club—in the books of that Association. I say, are regular entries kept of its payments and receipts. For any thing I know, it may have its committee of finance, as well as the Catholic Association. Now, I am credibly informed, that in the records of this club are two entries of this nature, following closely the one after the other: —'Proposed—The Memoirs of Harriet Wilson—Ordered,' and then comes 'Proposed—a plain Bible—rejected' [laughter, amid cries of 'hear!']. What the Memoirs of Harriet Wilson may be, I cannot say, as I have not perused them; but I have heard that many noble lords—aye, and some hon. members of this House, feel a very extraordinary interest in this work [hear, hear, and a cry of 'question']. I am afraid I affect some of their nerves, and will therefore abstain from saying any thing more regarding this work, except that I am informed that it is the memoirs of a lady of pleasure. Now, Sir, if the character of the University Club, consisting, as it does, of sages of the law and dignitaries of the church, were to be tried by this isolated fact which appears on its own records, might it not be said, and said justly, that it was a society which read these books, and rejected the Bible?" The learned doctor then proceeded to declare his sentiments with regard to Catholic emancipation, and to argue, that as long as it was denied to the Catholics, so long would similar Associations to the present rise up among them. There were two Associations like that now attempted to be put down, which had existed for some time, without either their legality or propriety being questioned. One of them was the Society for the Protection of Religious Liberty, which had not only a regular committee of finance, but a well-supported fund, to institute prosecutions in all cases where they thought religious liberty invaded. The other was the Society of Friends, who contributed to a fund for the protection of their members from insult and injury. After showing that it was often absolutely necessary that the weaker should associate in this manner against the superior party, and observing, that those to whom privileges were denied were generally as

anxious to obtain, as those who possessed were to withhold them, the learned doctor proceeded to contend, that the consequences of the Catholic disabilities still affecting the population of Ireland were its greatest afflictions, and would be its destruction. There seemed, however, on the part of the government, an indisposition to remove those disabilities, because it would be in the nature of a reform to do so. But, he would ask hon. gentlemen on the other side, whether they recollected, that, on a recent occasion, that House had, and mainly upon suggestions proceeding from his (Dr. L.'s) side of the House, effected a reformation of the Irish magistracy? That reformation had been effected, he presumed, because those magistrates had been found inadequate to the performance of their duties. And yet the hon. and learned gentleman, in the face of this fact, and of others equally striking, had ventured to maintain, that the administration of justice in Ireland, from 1811 down to the present time, had been fair, and pure, and unsullied, and equal to all classes.—After all that had been said on the subject of the Catholic Association, by way of vindicating the necessity for this bill—after all that had been published, or spoken, by honourable gentlemen on the other side, who were so anxious to decry this Association, and to exaggerate its offences—it appeared, that the solitary tangible accusation that they had succeeded in bringing against that body, was, that part of the address to the Catholics, which was comprised in these words—"By the hatred you bear to Orangemen." But even the malevolence and bad spirit attributed to these words would vanish, if the words could be shown to imply—as he thought it very likely their true meaning was—not, "by the hostility you bear to the Protestants themselves generally," but "by the hostility you bear to those who are called Orangemen, for their principles." It was impossible for any unprejudiced man to visit Ireland, who would not hold in abhorrence the principles of Orangemen. It was impossible to have heard the speech that had been delivered by the hon. member for Londonderry, and not to feel an equal detestation of Orange principles. Among the other causes that had been sought for, as likely to have created considerable inflammation, according to some hon. gentlemen, in the minds of the Roman Catholic community, was the Bible Society which had recently made its debut in Ireland. But, really, he could not believe that the feeling of the Roman Catholics had been so inflamed in consequence of the sudden invasion that had been made upon their religious prejudices under the auspices of captain Gordon and Mr. Noel.—After some further observations that were inaudible, the hon. and learned gentleman conjured the House to recollect, that they were now about to pass a penal enactment to prevent the Catholic Association from existing as a body any longer. It was said by hon. gentlemen that the principal support which that Association derived for the purposes of Catholic emancipation was due to the efforts of the Irish priesthood. Was that meant to be assigned as a reason for passing this bill? If it was, he begged to ask the right hon. gentlemen opposite, whether they really meant that this bill should go the whole length of suppressing all the efforts of that priesthood for the attainment of the Roman Catholic claims? He should only say, that if they persevered, they would, he was convinced, adopt a policy, which would be productive of the most disastrous effects.

The *Chancellor of the Exchequer* said, that exhausted as he thought the House must be with the protracted discussion that had taken place on this subject, and hopeless as he must feel that it would be in his power to add any thing to those full and powerful arguments which had already been adduced; he yet felt some anxiety to express his own sentiments on the question. And that anxiety he felt, not merely in consequence of the peculiar importance that must, in the opinion of every member, attach to the subject, but also upon some grounds applying personally to himself. He had observed—and with no ordinary satisfaction, that in what had fallen, even from those hon. gentlemen who had warmly opposed the measure in question, very little attempt—he might almost say no attempt—had been made to vindicate either the existence, or the acts, of the Catholic Association. Honourable gentlemen had said, indeed, that the existence and the acts of the Catholic Association were perfectly natural; and that they arose inevitably from the situation in which the Catholics of Ireland were placed: but no one that he had heard, had attempted decidedly to defend either the Association or its pro-

ceedings. On the contrary, almost every individual who had addressed the House, had studiously endeavoured to disclaim, on his own part, any approbation of the mode in which this body had conducted itself: and the whole gist of the objections upon which they had endeavoured to persuade the House that this bill ought not to be brought in, had been simply this—that there was another remedy to be applied to the evils that afflicted Ireland; that the whole of those evils, and all her miseries, arose from the misconduct of a government, composed in part of persons who, being of opinion that the Catholic question ought to pass, nevertheless formed part of an administration that did not think proper, at present, to bring forward that remedial measure. Now, as he felt himself to be in this precise situation—in the situation of those who were charged with being the occasion of all the miseries of Ireland, and therefore under the burthen of a very heavy responsibility; and as he should be indeed deeply afflicted if he felt a conscientious conviction that any part of the miseries of Ireland could be justly considered as owing to any actions of his, he felt most anxious to advert to this part of the question.

Honourable gentlemen should do the government the justice to recollect the circumstances under which it was formed. During the time of the late Mr. Perceval, the Catholic question was opposed by the government, "as" a government. There might be differences of opinion among those who constituted that government, as to the grounds of their opposition to it; some opposing it on principle—others on the presumed inexpediency of bringing it forward at that moment; but the fact was, that "as" the government, they opposed the measure. On the death of that minister, the government found itself placed in rather a singular situation; for it so happened, that the House of Commons, not feeling disposed to support a government that should be founded on the principle of systematically opposing the Catholic question, carried up an address to his majesty, then prince regent, praying him to intrust the government of the country into such hands as this House might think more deserving of the public confidence. Various arrangements and negotiations, it might be remembered, were entered into for the attainment of that object; and he confessed that those negotiations failed, as he thought, through an inexplicable blunder on the part of those who supported the measure of Catholic emancipation; for, after two attempts to form a government by which the Catholic question was to have been carried, they did at last organize one in which it was agreed that the question should not be carried [hear, hear]. He did not mean to deny the fact that this was an evil: he did not mean to shrink from the avowal. But in making this declaration, he only meant to say, that they could not form an Utopian government; they could not form one out of principles that did not exist; they were compelled to have recourse to such elements as they could best avail themselves of. And therefore, he contended, in justice to himself, and to many of his honourable colleagues, that they, by uniting together to form a government, were not answerable for the evil complained of, in respect to their treatment of the Catholic question—if evil it was, which he did not mean to deny [hear]. It might be permitted to him to say, that this government, when so formed, did not find that the confidence, either of the House or of the people, was withheld from it. He was at a loss to see, consequently, how it could be made matter of reproach to them to have formed a portion of such an administration; or that, being in it, they had agreed to remain there. But, then honourable gentlemen argued, that though this was all a proper principle enough to act upon, when the present members of the government came into office, yet now they ought to act upon a new principle. They said, that the measure of emancipation was a safe as well as a remedial course; and that government need not be afraid to adopt it. But when it was replied, that the adoption of such a course as they recommended would, of necessity, break up the government, they said, "No, that was the last thing in the world they wished for" [a laugh]. Really, gentlemen used the most ingenious sarcasms [hear, hear]—the most ingenious, and—looking to the particular quarter from whence they came—the most unworthy sarcasms, he must say, in commenting upon the conduct of his majesty's government. They assumed throughout the whole of the arguments which they had addressed to the House, that there were members of that government who would sacrifice their own principles, their own

conviction, and the duties of their offices, in short, for the single purpose and object of remaining in them, with a view to their emoluments. Now, this he called an unworthy sarcasm; and it was one that he was conscious applied to none of those colleagues with whom he acted. He believed it never would apply to that learned and noble person in another House who held the seals; nor to his noble friend, the first lord of the Treasury; nor to his right hon. friend, the Secretary for Foreign Affairs, who sat near him. He knew, indeed, that with regard to his right hon. friend near him, nobody had ever ventured to say that he could ever be guilty of such a sacrifice of principle to considerations so unworthy. Now, it was admitted by hon. gentlemen, he believed, that the present administration was doing very well; and he thought he might add, without vanity, that the country was satisfied with it. But it was agreed, apparently upon all hands, that to attempt to carry the Catholic question would be to break up the government. "Why, then, under such circumstances," continued the right hon. gentleman, "could we who support the measure drive out our colleagues who oppose it, and take the helm of government ourselves? Could we justify such a step to the parliament or to the country? Or would the other side of the House, if we had proceeded to such an extremity, have lent us any assistance under such circumstances of difficulty?" No; he thought not. To be sure, the hon. and learned member for Knaresborough had said, that ministers had rejected assistance from the opposition. But members of the government had positively lent the other side their assistance in respect of the Catholic question. And he did not think that their opponents could persuade themselves to give them assistance towards carrying a measure, for which government could offer no honest or sufficient justification at this period, to the conscientious feeling of the House. The argument, therefore, between the honourable gentlemen on the other side and the government resolved itself into this—they said to government, "For all these evils that have happened you have a remedy;" and government, admitting they had the remedy, declared, "We shall not attempt to use it," for they thought it impossible, with any prospect of success, to attempt to carry the measure which was recommended. He doubted exceedingly whether, at present, it could be carried. An hon. friend of his near him had been very much misrepresented. He had been misrepresented, as saying, that the difficulty of carrying this question was absolutely and at all times an insuperable one; that it was absolutely impossible, under any circumstances, so far to remove all the prejudices and impressions that at present opposed it. This was entirely overstating the remarks of the honourable friend to whom he was alluding. But this he would say—that, as far as his own observation went, there did exist a very strong feeling in the country against this measure [Cries of "No, no"]. And this, too, he must believe—that such feeling, in a very great degree, arose from the acts of the Catholic Association. It was perfectly true, that the measure might pass, as it had already passed, that House by a large majority. But, in the other House, there was a strong feeling against it; and in that large and most important class of the community to whom allusion had been already made in the course of the debate—the middling class—there was a feeling of perhaps a still stronger nature. A very powerful feeling existed against it, also, in another and very influential body; namely, the clergy. Now, this circumstance had been spoken of as matter of great reproach to the clergy; but surely it was a very unfair imputation on them. It was by no means impossible that this body might be influenced by a love for the church as a mere establishment; but, supposing they looked upon it with higher and nobler views, it was not at all an unnatural thing, that they should contemplate with some alarm the admission to political power, of those who had been for ages so hostile to their existence, not only as an establishment, but as a faith. Every body knew how great was the influence which the Catholic clergy had over their flocks; every body knew of the changes that had taken place, and in constant course of taking place, in the prejudices and habits both of the one and the other; nor did he see any reason to despair of a great, ultimate, and beneficial change. He knew that such a change had been effected to a very great extent. He had carefully watched the progress of opinion in these matters; and such was the result of his observations. He, of all persons in the world, ought to be the last to say, that no such changes

of opinion could take place. All his own early impressions—all his hereditary prejudices, he might almost say, had been against Catholic emancipation. He had been taught to believe that the papal faith was always connected with arbitrary power; and he was as strongly disposed against any measure of concession as to the claims of the Catholics, as any of his honourable friends near him. He certainly had entirely changed his opinions in this respect; he avowed that he had done so; and he hoped he never should be ashamed of changing them, when he saw good grounds and sufficient reason for doing so. He did believe, that time would produce a very different feeling on this important subject, from that which at present prevailed in this country; but he must contend, that at this moment it prevailed to a very considerable extent indeed; for he in his conscience believed, that there was that prejudice and that hostility in the country to this question, that no administration which could be formed, however powerful, could attempt to pass it; and he thought the most fatal thing which could happen to the question itself, would be the formation of an administration that should lay it down as the basis of its proceedings to carry the measure, and discover, after all, that it could not be carried; for that would throw it back half a century at least, and, perhaps, destroy the cause altogether. With these views, he could not think that he was justly exposed to their reproaches, who thought that he had deserted his duty in forming part of an administration in which the Catholic question—unfortunate he would admit—had been left upon its present footing.

Having now explained his own situation, and that of his colleagues, and endeavoured to vindicate them and himself from the aspersions cast upon them, he wished to advert to that part of the question before the House which related to the Association. Honourable gentlemen had said, that it was not enough to show convenience—they must also show necessity as a ground for this bill. He perfectly agreed with them. Had his majesty's ministers thought proper to rely upon showing a ground of convenience merely, they might have done so long ago: but they did not think that they would be justified in calling upon parliament to interfere in this matter, until interference became matter of necessity. At that former period, the constitution of this society had not assumed the face it had since put on. Many of those acts from which the danger of the Association was inferred, had not then taken place: for instance, those which related to the society's interference with the administration of justice. The hon. and learned member for Nottingham (Mr. Denman), the other night, thought he had successfully encountered the arguments of the right hon. and learned gentleman who had attacked the defensive argument of the other side in favour of that Association, by drawing a distinction between a society like the Constitutional Association prosecuting for libel, and another society, not interfering in a court of justice on "political" principles. This might all be very true; though he must say he thought it the most miserable defence he had ever heard from the hon. and learned member for Nottingham, who had got out of it, moreover, with less ability than he had ever known him to do before. But, according to that learned member, the Catholic Association interfered, because "the Catholics could not otherwise get justice." Why, therefore, he (the chancellor of the Exchequer) contended, that their interference was political. But, in fact, every act of this sort constituted a political act, and the interference of the Catholic Association became exposed to every one of those theoretical objections which the learned gentleman had, on former occasions, urged with such force against the Constitutional Association. These objections he (the chancellor of the Exchequer) admitted must apply to every society that intermeddled with the administration of public justice. He entirely concurred with his hon. friend on this subject, having never subscribed to the Constitutional Association nor to any other society that so interfered with the administration of public justice. He had never been any party to it. And precisely the same reasons would determine him to be against any other body of the same kind, or exercising in some sort similar functions. But (continued the right hon. gentleman), the hon. and learned member for Knaresborough says, that the prosecutions which had been carried on by the Catholic Association have been of little importance, and dwells much on the acquittals that have taken place. The hon. and learned gentleman forgets, surely, all the

antecedent proceedings. He forgets that the Catholic Association assumed the fact, that murder had been committed. He forgets that they sent an agent to conduct the prosecution of the man so prematurely declared guilty. He forgets the extreme unfairness of a trial under such circumstances; circumstances entirely at variance with the sentiments of that address which the hon. and learned gentleman commented on in terms of unlimited commendation. Did that address stand as the sole act of the Catholic Association, it might deserve his eulogium. But when we find persons laying down principles of that kind at one moment, and conducting themselves in direct opposition to those principles at another, it is difficult to speak of such inconsistency in any other language but that of disapprobation. With regard to the expression contained in that address of "hatred to Orangemen," I have been quite surprised to hear the attempts that have been made by hon. gentlemen to explain it away. The meaning of the phrase was perfectly intelligible to the persons to whom it was addressed; and to say, that to hate Orangemen was merely to declare that they were not partial to their oppressors, is a warping of the expression, which, I repeat, surprised me exceedingly. It is said, that the address to which I am now alluding, is peaceable in its character. But recollect how recent it is. We all know what was the language antecedently held by the Association. That language was not very peaceable; nor were the acts by which it was accompanied very peaceable. I do not wish to remark harshly on the conduct of individual members of the Association; nor do I for a moment contend, that the violent language of Mr. O'Connell, or Dr. Dromgoole, or any other person, is any reason why we should not do what is just and right. That violence would never prevent me from voting for the Catholic question. But when we find violence, not only in words but in acts, manifested by a body possessing so much power over the whole Catholic population of Ireland, I cannot then help attributing great importance to the circumstance. I cannot avoid seeing its inevitable danger; its tendency to excite great animosities and fears on the part of those against whom the feeling is shown, and to produce counter-associations, the manifold evils of which I am sure I need not point out.

But then, Sir, we are told "Do but pass the Catholic question; there's the remedy; you will hear no more of the Association." In the first place, Sir, I do not believe that, to pass the Catholic question would produce general satisfaction in Ireland. Although I am a friend to that question, I do not believe that its triumph would create universal content. It would certainly remove a grievance; and, as far as that goes, would do good; but we must never forget, that while we are removing discontent in one part, by passing the Catholic question, we may be carrying fear, and, for aught I know, discontent, into another part. By such a step, the situation of the Protestants of Ireland would in fact, be reversed. They are now possessed of the ascendancy. That would be at an end. The very circumstance of their inferiority in numbers would by no means tranquillize their minds; and if they found that the Catholics, not content with the acquisition of political, wished for religious power, and were anxious (which it is not impossible they might be) to overthrow the existing church establishment in Ireland such a discovery would naturally create just uneasiness and alarm. I really, therefore, do not know any thing more likely than that, if the Catholic question were carried, that system of associations, which seems so congenial to the country, and at all times so much to its taste and fancy, would be carried to a very great extent. Perhaps that extension would originate with the Protestants; but, no doubt, it would be followed by counter-associations on the part of the Catholics. The different parties would thus become exasperated; and the same violent prejudices, the same bitter animosities would exist that at present exist. It would, therefore, be of all absurd policy the most absurd, to leave the associations in Ireland as they now are. Were we to pass the Catholic question to-morrow, I think the peace and tranquillity, and safety of Ireland, would require that parliament should pass an act, putting down associations in Ireland; which, under whatever pretence they may be formed, are always an evil. So far am I, therefore, from conceiving that the proposed bill will be injurious to the Catholics, that, as their friend, I think the House would act most unwisely and injuriously towards them were it to reject it. Sir, we have been told that the administration of justice in Ireland is so bad, that the Catholics had no means of obtaining justice but by the

course which they have adopted. Instances have been mentioned of discovered abuses; but how were those abuses discovered? In this House. By committees of this House were they discovered, and by this House were they remedied. One of those evils was the choice of sheriffs. That has been remedied. The magistracy required revision. That has been revised. Other public bodies have been corrected. But all this has been done without the aid of a Catholic Association or parliament sitting in Dublin. It was done by the old fashioned English parliament here. That parliament has remedied many evils which existed in Ireland, and it will remedy others. I do not despair of the arrival of the day when even the grievance of the inequality of the Catholic condition will be remedied by parliament. But those persons are greatly mistaken who think that desirable event can be facilitated by suffering the existence of so formidable a body as the Catholic Association, agitating a people peculiarly apt to be urged by any sudden impulse; of a people whom they at one time tell to be quiet, and at another assert to be ready, at a word, to make all their swords fly from their scabbards [hear, hear!]. Sir, the parliament of England have endeavoured, by every means which could be devised, to consult the real good of Ireland. They have removed restriction after restriction, all but that particular one which is connected with the subject under consideration. For several years have parliament been so occupied. Much has been done. All admit that the present prosperity of Ireland is the result of the policy that has been pursued towards her. Therefore, Sir, although we may not have done every thing, we have done a great deal. We certainly do not want a Catholic Association to assist us. If they attempt to excite our fears, they will fail; for they will enlist our pride, at least as strong as any other feeling, against them. We shall betray our duty; we shall do mischief to Ireland; we shall render her incapable of enjoying the benefits which she has lately acquired, or which she may hereafter acquire, unless we make up our minds steadily and firmly to put an end to this Association, which I sincerely believe to be the bane and curse of the country.

Mr. *Hume* observed, that so much had been elicited by that day's debate, that he did not think the subject was half exhausted. He should therefore move an adjournment.

Mr. Secretary *Canning* said, that although he was perfectly satisfied with the state of the question, and would have no objection to go instantly to a division, yet, as he should be sorry to preclude any hon. member from delivering his sentiments, he would not object to an adjournment, on the distinct understanding that the debate was to be resumed to-morrow, and was to take precedence of all other business.

The debate was further adjourned till to-morrow.

HOUSE OF COMMONS.

Tuesday, February 15.

Roman Catholic Association—Petition against.] Mr. *Dickinson* said, he held in his hand a petition to present from the archdeacon and clergy of the archdeaconry of Bath and Wells. The petitioners imputed to the church of Rome tyranny, superstition, and violence, and viewed with alarm any further concession to the Catholics, as pregnant with danger both to the established church and the constitution. They rejoiced that the attention of parliament had been drawn to the proceedings of the Catholic Association, and particularly that most dangerous feature in the conduct of the Association, the collection of a rent. He held in his hand a similar petition from the householders of Bath and its neighbourhood. The petitioners expressed themselves hostile to any further concession to the Catholics, and complained that insult and intimidation had been held out by the Catholics towards their Protestant fellow-subjects. He would merely state, that he fully concurred in the sentiments expressed. It was his firm opinion, that no administration could succeed in procuring for the Catholics what they demanded; so strongly was the sense of the bulk of the people of England opposed to it. For himself, he had quite made up his mind against any further concession upon that subject.

Sir *T. Lethbridge* said, it was his firm conviction, and in it he was joined by the great bulk of the people of England, that the Catholic question ought not to be conceded. When he spoke of the great bulk of the people, he meant not that portion which had been in that House described as low, and vile, and senseless, but men whose sentiments were entitled to the highest respect.

Sir *M. W. Ridley* was sorry to see a petition emanate from so respectable a body, couched in such language as the petitioners had thought fit to use. He lamented that they should have allowed their feelings to have so far got the better of their judgment, as to have put their names to a petition framed in language so violent, intemperate, and unjust. How could they assert, that the Catholics of Ireland had insulted and ill-used their Protestant brethren? He certainly regretted some of the proceedings of their Association, not because they had done any injury to their Protestant fellow-countrymen, but because they were calculated to retard the progress of their own cause.

Mr. *Hutchinson* said, he should abandon his duty to his country, and the empire at large, if he suffered so gross a libel to be presented, without protesting against its crying injustice. It was impossible for him to conceive a petition more fraught with falsehood, and more marked with indecent and unprovoked attack upon the Catholic population of Ireland. If petitions of this nature were to be presented, nothing but exasperation could ensue; and the consequence must be a scene of violence and religious animosity calculated to shake the kingdom to its foundation. He solemnly denied that the conduct of the Irish Catholics, either now or at any other time, had been marked by insult and ill-usage of their Protestant brethren.

Mr. *Dickinson* denied that this petition contained libels or falsehoods. It was couched in firm and strong language, such as the occasion called for. As a proof that the Protestants of Ireland had been insulted, he would refer to the language used by Dr. Drumgoole, who had said, that the Protestant religion had had its time, and, like all other anomalies, would in a short time pass away.

Sir *T. Lethbridge* defended the sentiments of the Petitioners. It was high time to hold firm and strong language with respect to the demands of Roman Catholics.

Sir *R. Heron* defended the people of England from the calumnious charge of being hostile to the Catholic concessions, and consequently enemies to civil and religious liberty. He was convinced the great majority were most anxious to render justice to their Catholic fellow-subjects.

Mr. *Mansfield* believed that the opinion of the people of this country was opposed to any further concession. Such were the decided wishes of his constituents; and with them he concurred.

Ordered to lie on the table.

UNLAWFUL SOCIETIES IN IRELAND BILL.] The order of the day being read, for resuming the adjourned Debate on the motion made by Mr. Goulburn, "That leave be given to bring in a Bill to amend certain Acts relating to Unlawful Societies in Ireland,"

Sir *Robert Wilson* said, he did not know that he should have taken an active part in the discussion before the House, had it not been for an assertion frequently made by hon. gentlemen opposite, and again strongly insisted on last night by the right hon. the chancellor of the Exchequer, whose candid and ingenuous manner gave to every thing advanced by him a peculiar degree of importance. That right hon. gentleman had repeated the assurance given by those who went before him, that the people of England were hostile, not only to the existence of the Catholic Association, but also to the more important and more extensive measure commonly called the Catholic Question. This assertion was of the utmost importance, with reference to the existing state of Ireland; and it behoved those who entertained a different opinion, and especially the representatives of popular places, not to content themselves with a silent vote, either of implied hostility or tacit acquiescence, but to stand forward, to put themselves pre-eminently before their constituents, and to submit their opinions and sentiments to the judgment of the House and of the public. The right hon. the chancellor of the Exchequer had insisted, with an air of triumph, that none of the gentlemen on the opposition side of the House had ventured to assert the constitutional character of the Catholic Association. Neither was it his intention now to enter into the question, whether or not it was a constitutional body. But, the right hon. gentleman, and his majesty's ministers, had no right to taunt them with their silence on the subject, because it was a subject which they had rendered it impossible accurately to investigate. Government ought to have laid on the table those papers and documents, which alone could elucidate the question. They ought to have communicated the marquis Wellesley's dispatches respecting it. How

otherwise could the House be expected to proceed to the determination of so great a question,—a question which would affect the privileges and liberties of the people of Ireland for ever? The House had no facts on which to ground their proceedings. It was true, one hon. member had asserted, that the Catholic Association had interfered in a vindictive and sanguinary manner with the administration of justice; and mentioned a particular case, which had made so strong an impression on an hon. friend of his, who had been, until that moment, favourable to the Association, that he immediately left the House, determined to vote in favour of the proposed measure. If, however, his hon. friend had waited for the reply to that hon. member's speech, he would have heard the strongest testimony borne to the candour and humanity of the Catholic Association. He was by no means prepared to contend that the Catholic Association had conducted themselves with all that measured prudence and propriety which would have been calculated to conciliate opposition. But, when he saw the number and importance of that body; when he saw that the present measure was, in fact, founded on the assumption that the Catholic Association had obtained a most extensive influence in Ireland, he felt persuaded that it had conducted itself so as to secure the perfect esteem of the Catholic body. An hon. and learned gentleman had brought an extraordinary charge against the Catholic Association. He had stated, that the Catholics did not recognise the authority and the dictation of Mr. O'Connell. How inconsistent! Mr. O'Connell could not be separated from the sentiments of the Catholic people. Where did he get that power and influence which he was supposed by this bill to possess and exert over his countrymen?—"Divisum imperium cum Jove Cæsar habet." He could not be terrible in his mere personal capacity. When was any head of a party formidable in these kingdoms, but as the representative of the sentiments of his party? If his single voice were obeyed in an unqualified manner by submissive multitudes, then indeed he would be formidable: but, on the contrary, he was compelled, in order to keep his station, to exert, from time to time, the whole force of his talents and eloquence, or he would fall short of his object. It was evident that the Catholic Association was formed not for offensive, but for defensive purposes; not to attack but to protect; to resist tyranny and persecution, and, if possible, to put an end to a system which had long been the horror of Ireland, the disgrace of England, and the shame of the civilized world. He perfectly agreed that such an influence as that which was possessed by the Catholic Association, ought not to be allowed to exist—that it must be put down: but he protested against adopting this measure as the means, because it would not be effectual—because it would augment the evil—because it would drive the discontents of the country into an under current of sedition and disaffection, which, by and by, swelling and emerging to the face of day, would break forth in a stream which would bear before it all opposition. Hon. gentlemen on the other side of the House must be aware that the Catholic Association would not submit quietly to this law, but would naturally resort to every expedient to maintain a communication with the Catholic body; they must be aware that the only effectual mode of putting down that Association was by giving to the Catholics of Ireland that equality of rights and privileges to which they were so justly entitled. He did not believe that this was the measure of the right hon. the Attorney-General for Ireland; it was a measure which emanated entirely from the cabinet, or at least from a portion of it; for he could not believe that the right hon. and learned gentleman ever accepted office upon a compromise of his support of the Catholic cause. The right hon. and learned gentleman himself admitted, that this was only a temporary expedient for the purpose of maintaining the authority of government, and that Catholic emancipation was the only measure that could give permanent peace and happiness to that distracted country. He had heard it said by a right hon. member of the government, not then in his place, that he should feel it an act of treachery to turn round upon his colleagues and say, that he would no longer act with them unless they consented to carry the question of Catholic emancipation. In his opinion, it would be much greater treachery on the part of the former supporters of that question now to turn round and desert it. It was impossible that the proposed measure could have originated with the noble lord at the head of the Irish Government, whose conduct had been so highly, and so justly eulogized

by his friends. Or, if he did so recommend it, it must have been as a temporary measure, to be followed by that great and paramount question, Catholic emancipation. It was unfair then, to throw the whole odium of the measure upon the shoulders of the noble marquis. If ministers were really anxious for the tranquillity of Ireland, why resort to temporary measures? Why not at once do that great act of justice which would restore tranquillity and happiness to her? Weak governments never conceded; they waited until they were forced to do justice. It was only strong governments that could with propriety concede. Why, then, did not the present government, strong and powerful as it was, at once concede, and with grace grant that as a boon, which, at a later period, might, perhaps, be extorted from her. At what better period could such a concession be made than at present when the great body of the people were in favour of the grant, and when the liberty and happiness of six millions of their fellow subjects were opposed, as he might say, by a small number of persons. He called upon the House to consider what they had been in the habit of witnessing for the last twenty-five years. Had they not, year after year, seen the Roman Catholics coming to that House, and with bended knees, imploring an equal participation in the blessings of the Constitution. The Catholics claimed the removal of the remainder of those penal laws under which they now laboured; and perhaps many members were not aware of their severity. Perhaps they did not know, that a doubt existed whether a Catholic priest marrying a Catholic and a Protestant was not subject to the punishment of death; and that he was, beyond all doubt, subject to a penalty of 500*l.* which was in most cases equal to a sentence of imprisonment for life. Neither, was it generally known, that the parties so married were liable to three years imprisonment, if they refused to give evidence against the priest. This was only one of the many laws which disgraced their Statute-book, and for the repeal of which the Catholics of Ireland had been ineffectually praying from year to year; having uniformly found, that, however favourable might be the House of Commons, there existed an insurmountable barrier in another place, and that too raised upon the authority of government. It was from a feeling that such was the fact that he and several of his friends two years ago had quitted the House without voting upon the question in favour of the Catholics; and they had done so because they did not wish to raise hopes in the minds of that body which they well knew would not be realised. Before the establishment of the Catholic Association, it was urged that the Catholics were divided, and, in fact, careless about emancipation. But now that their feelings were announced, and that they were united in one common cause, it was urged that they must be put down and silenced. Was this the return which the Catholics of Ireland were to receive for their long and patient suffering under great privations, as well as for the important services they had rendered to this country in the period of its greatest danger? It was lamentable to think that, whilst we advocated the cause of freedom in other countries, we persevered in perpetuating such a narrow and bigotted policy in our own—a policy which gave rise to a series of feuds and discords, producing misery and distress where it was the duty of government to spread happiness and prosperity. The dissention and religious feuds with which Ireland was agitated were inconsistent with the principles of our foreign policy. If a war should break out, was it not a matter of serious consequence that Spain should be occupied by France? How much did it facilitate the communication with Ireland? If there were to be another rebellion in Ireland it would be far different from that which made its appearance in the mountains of Wicklow and on Vinegar Hill. During the former rebellion, the priests were opposed to the people because they were opposed to the French revolution, conceiving it injurious to their interests. The gentry of Ireland were also opposed to the people at that period, because they entertained a hope, that by persevering in quietness and good order, they would at length be admitted to a participation of those rights and privileges of which they had been so long deprived. But now the case was different. The nobility, gentry, clergy, and people were united in one body, and in the event of the standard of rebellion being again raised, the consequences would be most serious. He did not mean to deny that in the Catholic states there was a tendency to abuse power, of this they had many instances in Spain, France, and Belgium. In France an odious, abominable and ferocious law,

was now passing, as if the God of justice and mercy were a demon who delighted in cruel and sanguinary punishments. In Belgium efforts of a bigotted nature had been attempted; but they had a king there whose wisdom and justice would not admit of such arbitrary encroachments on the principles of civil liberty. But, in this country what was to be feared from the Catholics? With an established church, intimately connected with the state—with an immense body of Dissenters—and, above all, with the assistance of a free press—what had these realms to dread from the power of the Catholics? In his advocating of this question he was not fighting the battle of the Catholics but his own battle—the battle of all the Dissenters—the battle of civil and religious liberty. He disliked the term "Catholic emancipation." It was too narrow a phrase; since, in the abstract, the measure so called tended to repeal the disabilities of all Dissenters of whatever denomination, in this country. Those, therefore, who supported that measure, were not fighting a partial battle, and ought to receive the support of every man who was friendly to religious freedom. Many persons, he believed, opposed the emancipation of the Catholics, not because they disliked the Catholics, but because they were afraid it would lead to the repeal of the Test act, and dreaded any increase of the power of the Dissenters. They cared nothing about the Catholics; but they held in terror, not merely the religious, but the civil and political opinions of the Dissenters of this country. It had been said that the people of England were hostile to this measure. He did not believe it. They were too enlightened not to know that there could be no civil without religious liberty. He appealed, therefore to their generous feelings to do justice where it had so long been denied. Nay, he would appeal to their alarm. If, unfortunately, war should break out, and discontent were suffered to remain amongst the population of Ireland, how direful might be the event? We might see our commerce crippled, and our vessels carried under the mouths of hostile cannon planted on the coast of Ireland; so that it might at last become a contest pro aris et focis. Convinced that the proposed bill would do incalculable mischief, he should constantly raise his voice against it. In opposing this measure, he was sure he spoke the sense of his constituents; but, even if it were otherwise, a plain and manly exposition of his sentiments was certain to procure their esteem.

Mr. *Lockhart* said, it was a well-known maxim, that to levy money from the people without the authority of parliament was unlawful. Now, the Catholic Association had done this. They had collected money from all quarters. They had directed an instrument to be drawn up on the subject, pointing out the mode of collection, and the priests had gone round and received money from the members of their different congregations. It was an ancient practice in this realm to levy money by the same means; and, although it appeared to be a voluntary gift, it could not, if all the circumstances were considered, be fairly viewed in that light. The poor-rates, before the 43rd. of Elizabeth, were levied through the exhortation of the priests in the church. If this private levying, under the *Association*, were not actually compulsory it approached as near it as possible. The ignorant part of the community might think, when this rent was demanded, that they were under the same sort of compulsion as our ancestors, when they received the exhortation of the priests. The hon. member for Southwark admitted that there was danger, but he advised the legislature to put it down by conciliation. "Give them every thing they demand," said the hon. member. But he would ask what was the character of the Association, according to the description of their chief advocate? What had he said? He had told the world plainly, that the law would be evaded. Every effort of human ingenuity would be made to evade the letter of the law—while they acted against its spirit. What was to prevent this body, so resolute in breaking the law, from pressing their views further than they had thought proper to declare? What was meant by proposing to pay no church-rates in parishes where there were no Protestants? What was this but the indication of a desire to overturn the whole frame of the Protestant constitution of this realm? Gentlemen complained of the want of information on this subject. For his part, he saw no necessity for documentary evidence. The notoriety of the system was quite sufficient to justify that House in putting down the Association. They knew of the Association: they knew of its meetings; and; if those meetings were allowed to go on

unchecked, they would at length become like those of the Jacobin Club of Paris, who assembled for the purpose of making and enforcing their decrees. With respect to Catholic emancipation, he thought any man, in or out of the Cabinet, was justified in viewing such a measure with a very jealous eye; because he defied any person to say what might be the effects of granting that boon, if it did not give satisfaction. If it were conceded, and it did not satisfy the Catholics, it would arm them with additional power and strength to aim at further concessions, which would, perhaps, end in the destruction of the Church establishment and of the British constitution. If emancipation were granted at all, it ought not to be in consequence of the compulsion of such a body as the Catholic Association, but from a due regard to the general interests of the empire.

Mr. *Bankes* jun. complained that throughout the present discussion, the question of Catholic emancipation had been too much mixed up with that of the constitutional or unconstitutional nature of the Catholic Association. He hoped that the same confusion of objects would not extend itself to the legislative measure, whatever that might be, which was about to be brought before the House. Whatever opinion the House might entertain of this Association, it was gratifying to know, from recent occurrences, that its ultimate decision would be received with respect by those who were most nearly affected by it. In the debates of former nights, gentlemen had objected to the dissolution of the Association, under an apprehension, that ill consequences would follow from that measure, in consequence of the tone of intimidation adopted by that body. But the Association had declared themselves willing to submit to the law; so that the objection of intimidation should be abandoned. This declaration did them great credit; and he particularly admired the temperate speech of lord Killeen, the chairman, who was a nobleman of an excellent and upright character. An hon. and learned gentleman on the other side (sir J. Mackintosh) had endeavoured to justify the Association upon two heads of charge made against them, but without effect. First, in reference to the expression of "hatred to Orangemen;" and, secondly, that the courts of justice in Ireland had been interfered with by the Association. The first the hon. and learned gentleman endeavoured to defend as mere words of heat; but they appeared to him (Mr. Bankes) as a solemn adjuration. As to the second, it was alleged, that the opponents of the Catholics were the first to poison the stream of justice, and that, in their own defence, the other party was obliged to meet them by counter influence. But this was no justification; for, however true it might be in physics, that two negatives made an affirmative, that axiom did not hold good in morals. He had never known the collision of two vices to produce a virtue. Two vices did not make one virtue. It was but embarrassing the question to clog it with the consideration of emancipation. The question for consideration was, whether the Catholic Association was an evil, and ought to be put down? And in proof that it was, he conceived that a most complete case had been made out. Having said thus much upon a grave subject, he would now turn to one of a more light and ridiculous description: he meant an observation which fell from a learned civilian (Dr. Lushington) on a former evening, and which must have originated in a mistake. The observation to which he alluded had reference to the books ordered by the University club. The hon. and learned member had said, that Harriette Wilson's Memoirs had been ordered, and a plain Bible rejected by the University club. Now, the fact was, that no such book had been ordered, though it had, no doubt, been often inquired for.

Sir *John Brydges* said:—It appears to me, Sir, that the question now before the House is plain and simple. Are the proceedings of the Association legal or illegal? It matters not whether its members be Catholic, Protestant, or of any other faith; if this House is persuaded they are legal, we must not disturb them; if, on the contrary, it believes them to be illegal, we must amend the law, which at present is insufficient to reach them, else parliament and this kingdom must submit to be overruled by a power at present unknown and unconstitutional. But, Sir, learned members on the opposite benches astonish me when they argue, allowing at the same time that they are not enamoured with the Association, that it is nugatory and useless to put it down, because the same spirit will re-appear in another shape. Sir, am I tamely to submit to an evil this day, because, if I do not, it can but be delayed until to-morrow? Let me ask

those who argue thus, whether if the robber came to them this night, and said, "deliver up your property now, for, if you do not, I will come to-morrow, and take it from you?" They would yield. I think better of them than to believe they would. Neither, Sir, would I submit to the threats of those hon. members; but would tell them, "if you throw down the gauntlet, I am ready to take it up, and never cease my defence of our glorious constitution, until I am overpowered." Sir, the measure now proposed to be adopted has my most hearty concurrence. With reference to one part of the debate, I should be guilty of a dereliction of my duty were I not to record my protest against the unwarrantable attack upon the lord high chancellor of England. Sir, I lament that men so distinguished as these hon. members, should give way to the vulgar belief, that the motives of persons in office are always to be suspected. Sir, it is my firm conviction, that when, in the course of nature, that high character shall be removed from all political animosities, posterity will do that justice to his transcendant abilities, his unimpeachable integrity, and his distinguished public and private virtues, which the bigotry of party denies him now, and that no one will be found better entitled to live in the recollection of a grateful country—"Integer vitæ, scelerisque purus."

Mr. *Grenfell* said, that if the Catholic question was put upon the issue, of whether or not the House would interfere, when it was admitted, on all hands, that the pure stream of justice in Ireland was perverted from its course, by one influence or another, to whatever party that influence might belong, he would most decidedly take that course which prevented so unconstitutional an application of the funds of any society. So far, therefore, as the bill now before the House had that object, it should have his support; but further than this general support he did not pledge himself to give the bill, or any of its provisions, until he had made himself fully acquainted with their whole import. And now (said the hon. member), having explained the course which I propose to pursue on this particular question, I wish, in the clearest manner, to dissociate that course from the one which I shall feel it my duty to take upon the great and general question of Catholic emancipation. So long as I shall continue to have a seat in this House, I shall persevere in that line of conduct towards the Catholics, which, in my mind, is not only the just, but the only one which can satisfy that important body. I am persuaded that nothing short of that which some call Catholic emancipation, others call concessions to the Catholics, but what I call Catholic rights—that nothing short of concession of those rights can tranquillize Ireland. I shall, therefore, not only give my vote for the admission of Catholics to a full participation of all the blessings of the constitution, but shall support their cause by all the means in my power. For what is the case which the situation of Ireland presents to us? Six millions of Catholics, oppressed, injured, insulted, trampled upon by one million of Protestants. They never can submit—they never ought to submit—and I trust in God they never will submit. I am now Sir, in the evening of life, but were I on my death-bed, I would, with great sincerity, offer up my fervent prayer to the Almighty, that if the Catholics do resist, their resistance may be successful [hear!].

Mr. *Robertson* was of opinion that government should give to this subject the most mature deliberation, before they committed themselves by any decisive step. It was a measure which would be productive of the most important consequences, in one respect or another. The question was, whether the existence of the Association which this bill proposed to suppress, was not less pregnant with danger than the suppression of it, under the present circumstances of Ireland? If this proposition was proved, he thought that the law ought to be suffered to sleep. But if, on the other hand, the Association was ascertained to be the greater danger, then ought it to be put down. It was admitted upon all sides that the Catholics were fairly entitled to the rights, for the restitution of which they were exerting themselves. The Attorney-general for Ireland had characterized their claims as the claims of justice, and had defied any man to prove the contrary. But it was said that they had taken objectionable means to obtain the recognition of their claims. If the question had been asked him, whether an abstract assembly like the Catholic Association was or was not constitutional, he should not be disposed to contend for the affirmative; but every case ought to be tried on its own merits. It was impossible to look at

the Association but in connection with the causes which led to its creation, and the consequences which would follow from its suppression by legislative interference. The right hon. Secretary for Ireland had said, that the landed gentry of Ireland had been strenuously opposed to the collection of the Catholic rent; and possibly this feeling, after all, was the efficient cause of the bill before the House. He (Mr. Robertson) stood up for the Irish Catholics, and he flung back upon these same landed gentry the charge of being the cause of the dreadful condition to which that unhappy country was reduced. The Catholic peasantry had been deserted by the landed gentry, Protestant as well as Catholic, and left unprotected against all the oppressions of partial magistrates, and all the exactions of unfeeling tithe-collectors. Had the landed gentry of Ireland done their duty to their tenantry, this House would never have heard of the Catholic Association. The name of that unfortunate people was never mentioned without being associated with denunciations and abuse from all sides of the House. Their errors were exaggerated, their feelings misrepresented, their indiscretions tortured into flagrant crimes, while their misery, their poverty, and the sense of their wrongs were unremembered, or if alluded to, made use of but to taunt them. There seemed to be a general conspiracy to throw a veil over the true causes of the wretchedness of the Irish peasantry. By some it was charged upon the Church, whose claims were said to be out of all proportion to the means of those upon whom they were made. But he could not concur in blaming the church for the results so visible in Ireland. The fact was, that the clergymen of the Established Church were as liberal as was to be expected from men of their enlarged education. They had gone on conceding to the peasantry and lowering their demands, until they did not receive one-tenth of what they were entitled to. This was proved by documents laid upon the table of the House. But in the same degree that the Church lowered their claims, the landlords increased theirs; or, in other words, the revenue which the rector gave up went into the pockets of the landlord, so that the peasant was not at all benefitted. Hence the charge against the landed gentry, who were beyond doubt the cause of all the misery of Ireland. Only those acquainted with the real state of things in Ireland could appreciate the persecutions and oppressions to which the peasantry, when deserted by their landlords, were exposed. This was the real cause of the Catholic rent. The object of the Catholic Association was, to accomplish that which the landed interest of Ireland had neglected to do—to protect the lower orders, and to take care that justice was given to them as well as to the rich. The truth was, that the laws in Ireland were not equally administered, although attempts had been made to mislead the House upon that point. This was one root of the evil, one reason why the present bill was required; for the landed interest only, by its conduct, had driven the House to the painful necessity of discussing it. He stated this fact, to the disgrace of the landed interest—to the disgrace of the House, and the country; and, if redress were given in this respect, as the Association would not then be needed, no bill would be required for its suppression. He did not mean to say, under all the circumstances, that the Association ought not to be put down: but when it was put down, who would protect the wretched peasant? Who would stand up in his defence between him and the rapacious tithe proctor? Then, indeed, would the unhappy people of Ireland be reduced to the last stage of misery and despair!—With regard to the question of emancipation, his sentiments went further than many who had hitherto stated their opinions. He believed that concession of a part would be attended with no earthly benefit, but that it would give the Roman Catholics strength and confidence to demand more. Emancipation only, as it was called, would not give peace to Ireland. The sole mode of producing tranquillity and harmony was, to put Catholic and Protestant precisely on the same footing, so that the latter could not have the slightest pretence for saying that the former was his inferior. The hon. member having compared the effects of the two Unions, between England and Scotland, and between Great Britain and Ireland, complained that the Irish members had not accomplished any benefit for the country they represented. He was induced to believe, that the worst misfortunes of Ireland were brought on by those who ought to be her best friends. The divisions of party, and the violence to which they gave rise, produced the heaviest evils to that country; and he had

no doubt that, if there was not an Irish member in the House, the interests of Ireland would be better attended to. It would be better to intrust them to the generosity and good sense of a British House of Commons, than to suffer them to be exposed to all the mischiefs consequent upon the clash of party, and the conflict of opinions, as violent as they were opposite to each other. To suppose, that things could long continue in their present condition, was to indulge a vain and childish hope, in the teeth of all past experience. It might be possible that a country, weak in point of numbers and resources, should remain under the control of another, but no man of sense could suppose that a population of six millions, increasing in numbers and in intellect, could be long kept in a state of thraldom. The example of Portugal would show, that a separation between countries, united by local situation, and nearly similar in manners and customs, could be effected. If the present course was persisted in towards Ireland, there could be no doubt that such a separation would be attempted; and it became the House to consider well the inevitable consequences of this measure. If the redress which the people of Ireland sought for, and to which they were entitled, was not afforded to them, they would take it. They were growing strong and powerful; and the House would, perhaps, eventually be obliged to concede that from alarm, which they ought to grant upon grounds of justice. He conjured ministers to consider the awful responsibility they were incurring. He was convinced that the only advisable measure by which they could put down the violence and discontent which now raged in Ireland, would be by concession, not by coercion—by repealing the penal statutes which were in existence, not by enacting new ones; and for these reasons, he had determined to oppose, as far as he was able, the measure which was now before the House [cheers].

Sir *John Newport* said, that, after the length to which the debate had already proceeded, he could hardly hope that any thing he could say would afford the House any information on the subject which engaged its deliberations, or have much weight on the conclusion to which it might come. He was, however, induced to trespass for a short time upon their patience, for the purpose of stating, that after having listened with great attention to all that had been said on both sides, he remained more confirmed in the view he had at first taken of the subject. He would repeat the opinion which he had expressed on the second day of the session; namely, that by deferring the grant of those privileges which the Catholics claimed, and by enacting penal laws against them, the government was raising up dangers so numerous and of such fearful magnitude, all tending to the destruction of the peace of the community, that no man living could calculate the consequences which would result from them. During a pretty long life he had been no unconcerned witness of the state of his native country, under the various circumstances in which it had been placed. It had been his lot to partake in its changing fortunes during a long series of years, and he could assure the House he thought it probable that the consequences of the present measure would be infinitely more fearful than those which had resulted from any measure that he had witnessed. When parliament attempted to stifle the expression of discontent, instead of removing the cause of it, it drew upon itself a most fearful responsibility. The perils to which the country was exposed in the struggle with America were nothing to those with which we were now menaced. The struggle with America was a distant one; that with Ireland, if struggle there should be, would be at our very doors. He had heard with surprise the different grounds which had been assigned by those who opposed all concession to the Catholics, and those who were favourable to that measure, for their joining in support of the present bill. There must be something very extraordinary in the principles upon which it was supposed to be founded, which could thus have the effect of reconciling those discordant opinions. In the first place, it was a very remarkable circumstance in the history of this bill, that it was introduced to the House without a tittle of documentary evidence. No reasons had been urged which could satisfactorily account for this exclusion of such evidence, and yet the House was asked to rely upon parole evidence. But, what was the nature of this parole evidence? In the first place, let the House examine the discrepancies which existed even in this evidence, such as it was. With regard to the merits of the Roman Catholic priesthood, let the

opinions which had been expressed by the Secretary for Ireland, by the Attorney-general for Ireland, and by the under-Secretary of state, be placed in juxtaposition, and let the contrast and contrariety which they displayed be remembered. While the right hon. Secretary for Ireland said, that the priests were ready to put themselves at the head of 30,000 men, the Attorney-general, on the other hand, asserted that the Roman Catholic priests had been foully calumniated, and had been mainly instrumental in preserving the tranquillity of the country. The hon. the under-secretary (Mr. Dawson), in different strain, asserted, that the evils which existed in Ireland were to be mainly attributed to the baleful and malignant influence of the priests. And this was the parole evidence, on which the House was advised to rely—evidence, which from the mouths of three different members of the cabinet conveyed different and conflicting statements.

Mr. *Goulburn* disclaimed having made the statement which the right hon. baronet alluded to.

Mr. *Plunkett* said, he had stated, that there were 2,500 priests ready to put themselves at the head of 30,000 collectors; but not for any mischievous purpose. He had stated also, or ought to have done, that one of the evil consequences of the proceedings of the Catholic Association had been, to divert the valuable services of those priests from the true interests of their parishioners for its own political purpose.

Sir *J. Newport* resumed. The opinions of the right hon. gentleman were, at least, contradictory; and those opinions formed the parole evidence on which the House was called upon to legislate. He should be sorry to misrepresent any hon. gentleman; and still more so to misrepresent persons for whom he had a very sincere respect. He would take that opportunity of alluding to a gentleman whose name had been introduced into the debate of last night—a Mr. Devereux. That gentleman had lately become a member of the Catholic Association, and because he was one of the Catholic delegates in 1792, he was said to be an unfit person to join the existing society. The House ought, however, to know, that in the year 1793, that gentleman was one of the five persons delegated by the Catholics of Ireland to wait on his late majesty; by whom he had been most graciously received. After this, it was rather too much that it should be alleged against the Association, that the admission of this gentleman was a proof that their intentions were hostile to the peace of the country. An hon. gentleman had stated last night, that the members of the Association had waited until the Orange societies were put down, before they openly avowed themselves. This was not the fact. The establishment of the Association took place when the Orange party was most triumphant—when they boasted that they had doubled their numbers, in consequence of the attempt of the House to interfere with them—when they triumphed, not only over the government of Ireland, but over that House; and one of the Orange officers carried away the palm in the contest he had entered into with the parliament itself. As a proof of the opinion which was entertained of the Catholic Association by men whose opinion deserved the highest respect, he begged to refer to a letter which had been that day received from the earl of Fingal; who although he was in an ill state of health, was anxious that his sentiments with respect to the Association might not be misunderstood. His lordship said, "Illness, irksome as it is at all times, is now particularly mortifying to me, because it prevents me from joining my feeble efforts to those of the other gentlemen who compose the Catholic Association at this important crisis." There was no man who knew that noble lord, who would not bear testimony to the temperate and moderate line of conduct which he had uniformly pursued, or who would not feel that the tribute of respect which he was glad of that opportunity of paying to him, was not due to his pre-eminent virtues, which made him more worthy of respect than even the exalted rank which he filled. He would ask those who opposed the claims of the Catholics, whether they seriously wished to put down those claims by penal laws: and if they did, he would ask them, when they thought it would be expedient to stop? The disproportion between the Catholic and Protestant population of Ireland was fearfully increasing. In the county of Kilkenny, where, perhaps, it was as little likely to have increased as in any part of Ireland, between the years 1743 and 1800 the Catholic population had been more than doubled, while that of the Protestants had diminished by one-third. At the period of the Union, twenty years ago, the

general proportion of Catholics to Protestants was as five to two. Now, it was six out of seven, and twenty years hence, calculating in the same ratio, it would, in all probability, be eleven out of twelve. Did the enemies of Catholic emancipation mean to say they could then resist the claims which were now made? Was it probable that they could do so? For what object, then, should they wait? Why should they defer to grant that now, which, in the result, they could not withhold? The Catholic cause, or, as he might rather call it, the cause of the empire—for the tranquillity of the empire was involved in it—was far from retrograding; on the contrary, he was sure that it had advanced, and that every discussion helped it to advance further. It was fit that the people of England should know on what ground this question rested. It was just that they should be informed how little truth there was in the statements which had been made to the disadvantage of the Catholics, and how deep and bitter were the grounds of the resentment which filled the bosoms of the Catholics against their oppressors. These things were much better understood than they had been. In the words of the inimitable poet—

> "Our state of war is like a summer morn,
> When waning clouds contend with growing light."

The clouds were rapidly passing away; the public mind was becoming more fully informed of the real merits of the case; and, however reluctantly it might be yielded, still the grant must be made.

Mr. *V. Fitzgerald* said, he was unwilling to give a silent vote on a question so momentous as that before the House, or to leave unexplained the grounds upon which that vote was founded. He thought it better, for every reason, that the past should be buried in oblivion. He would be unwilling to criticise with too great severity the language which had been used by the members of the Catholic Association; but, when that language came to be adopted by the whole Catholic body, then it became necessary to look into it with more scrupulous attention. With respect to the abuses in the administration of justice, much had already been done, although he was free to confess that much still remained to be done. Two cases had been alluded to by his right hon. friend, which he did not think had been quite fairly treated. The purpose for which they were mentioned was to show, that the interference of the Catholic Association was improper. It was true that, in both cases, acquittals had followed; but the result was not the point upon which the objection to that interference turned. On one of those trials—that of Hanley, a soldier, the magistrates who were present, immediately after his acquittal, agreed to represent to the lord-lieutenant, that it was no longer necessary to continue the Insurrection act in that county. The right hon. member next panegyrized the manner in which Mr. O'Gorman had conducted a prosecution at Clare, at the instance of the Catholic Association. He was present as a magistrate, and could bear witness to the temperate manner in which Mr. O'Gorman behaved. He was of opinion that the Association was justified in much that they had said and done. He was not arguing for the continuance of the Association. The Protestant mind of Ireland had been thrown into a state of panic which it would be difficult to describe. He admitted that means had been unfairly taken to increase that panic; but, if so large and important a body as the Protestants of Ireland felt such a degree of alarm at the proceedings of the Association, he asked the House whether it ought to be allowed to continue? If it should, the consequence would be, that counter-associations would be formed, and the spirit of opposition would destroy all fellowship between man and man, and render the country—he was almost going to say—hardly worth living in. At the same time, he was bound to admit, that the representations of the Associations, aided by the efforts of the Catholic pastors, had had a considerable share in restoring tranquillity to Ireland. He knew that, in 1820, the Catholic priests in the county which he represented, afforded him most material assistance in suppressing the disturbances in Ireland, and he himself had induced many Catholics to take upon themselves the duties of magistrates, on account of the effectual aid which they lent to the bringing about of that desirable object. He regretted that the course which the Association had pursued was likely to deprive the country of the assistance of such an influential body. But, whilst he admitted, that the Association had been instrumental to a great degree in restoring peace to Ireland, he could not forget that

the present state of that country was in a great measure the result of the line of conduct which had been adopted by the Irish government and the parliament of Great Britain. The committee of inquiry into the state of Ireland, which sat last session, had been productive of much good, and the intended re-appointment of that committee, would be, he knew, consolatory to the Irish people. If the provisions of the proposed bill should not, when they came to be expounded, appear to bear as strongly upon Orange as upon Catholic Associations, the measure would disappoint his expectations, and should not receive his support. He felt alarm at all Associations. He could not concur with the hon. member for Armagh, in thinking that the present measure had been called for by the Catholic Association alone. He was of opinion, that if the Orange Associations had never received the patronage which was bestowed upon them, the Catholic Association would not, if it had ever existed, have comprised among its constituent body nearly the whole of the Catholic population.

Lord *Althorp* said, he had listened with the utmost attention to the speech of the right hon. gentleman, but had not heard him advance a single argument in support of the bill to be brought forward. He had stated, that the object of the bill was to put down the Catholic Association, but he had not advanced a single argument to prove that the mode in which the Association ought to be put down, was by a bill of pains and penalties. It was incumbent on the right hon. gentleman, to shew that a bill, which was an infringement on the liberties of the people, was not only the best, but the only mode in which the Association could be put down. Now, it could not be denied that there was another mode of putting down the Association, and that was, redressing the wrongs of the Catholics. Parliament might put down the Association, but as long as the union of Catholic feeling continued, and he should be sorry to see that union dissolved, some other means would infallibly be discovered of shewing that there were six millions of discontented subjects in Ireland. With respect to the Association, he freely admitted that he considered its existence a great inconvenience; but it was one of those inconveniences which was the necessary consequence of the state of the law, and it was only by a change in the state of the law that it could be got rid of. The union of the Catholic Association proved that they were animated by one feeling; and, whatever prejudices might be entertained against that body, no man, who looked to the present state of the public feeling in Ireland, could lay his hand upon his heart and say, that the situation in which the Catholics of Ireland were now placed could long continue. He was so far from thinking that the Catholic Association would have the effect of putting off the concession of the Catholic claims, that he believed it would forward the time at which those claims must be conceded. He disliked a body associating to prosecute: but as he understood the case, the funds of the Association were only applied to carry on prosecutions on behalf of persons whose poverty precluded them from undertaking them themselves. That removed part of his objection to the practice. He believed that the attempt to put down this Association would be abortive; at all events he could never give his assent to a measure of coercion and restriction, when there existed another mode of remedying the inconveniences which was that of redressing the grievances of Ireland. The right hon. the Chancellor of the Exchequer, had expressed his opinion, that even if the Catholic claims were granted, the Catholic Association would still continue to exist. Now, he did not believe that any such Association would continue to exist, unless some substantial grievances remained to be redressed. In the case of the volunteers in 1782, as long as there were substantial grievances to complain of, the parliament found it impossible to put them down; but when they attempted to prolong their existence beyond the period, when they had succeeded in carrying the legitimate object for which they united, and to carry measures which were not consistent with the general wishes of the people, the power of parliament returned, and their dissolution was easily effected. He should certainly oppose the measure.

The Hon. *William Lamb* characterized the attempt of the hon. and learned member for Knaresborough (sir J. Mackintosh), on a former evening, to explain away the effect and meaning of the phrase in the Catholic proclamation, which had been the subject of so much observation, as the most subtile, most sophistical, most jesuitical he had ever heard. The direct and immediate tendency of such sophisti-

cal distinctions was, to confound the boundaries between right and wrong. The conduct of the Catholic Association was calculated to shock the prejudices, and array, against the Catholic cause, in inveterate hostility, the passions, feelings, and sentiments of the people of this country. The heat of public debate was alleged as a sufficient excuse for all the intemperate language which had been used. Now, he could not help thinking, that the habits of an advocate required, demanded, and taught prudence, moderation, and discretion, and that any thing approaching to indecent warmth was least of all excusable in a gentleman of the legal profession, accustomed to the triumphs of eloquence, and who could not be supposed to be influenced by any thing like personal vanity. Though he (Mr. L.) still entertained the opinion which he had expressed on the first night of the session, that no priest of any religion ought to bring his power to bear on political matters, he was sorry if he had adopted any expression of a controversial or polemical character. Whether the proceedings of the Catholic Association were contrary to law or not, they were of a most alarming character, and ought to be put down. A favourite metaphor, drawn from the pressure of the steam engine, had been used in the course of this debate; it had been said, that meetings of this description were the safety-valves which carried off the steam, which, if it were suffered to mix with the common air, carried ruin and desolation along with it. This metaphor begged the whole of the question. The very question at issue was, whether the perpetual irritation kept up by Associations of this description were the vent to let off the steam, or the furnace below which increased and exasperated the pressure? For his own part, he was persuaded, that the Catholic Association kept up disquietude, discord, disunion and irritation, throughout the whole country. There was no difference between the Catholic Association and the Bridge-street, or any other Association of that description, with respect to their effect in giving encouragement to spies and informers, in multiplying fictitious actions, in exciting and inflaming animosities. It was impossible that tranquillity could be restored to Ireland while there existed a general mart for all manner of grievances and complaints. What must necessarily be the effect of the power of ordering prosecutions by the authority of the Catholic Association? The popular argument against prosecutions, ordered even by the authority of that House, was, that they sent a man to his trial with the opinion of the House of Commons against him. Were not the prosecutions ordered by the authority of the Catholic Association equally liable to the same objection? Suppose the case of a heated and furious House of Commons, carried away by the passions of a heated and excited people. This was not an imaginary supposition; in the case of the Popish plot, murder was committed, blood was shed by the legislature, under such circumstances, and in the case of the South Sea scheme, though no blood was shed, yet monstrous injustice and iniquity were perpetrated by that House. Was the power of ordering prosecutions on the authority of that House no evil under such circumstances? Was such a power likely to produce no mischievous effects? Yet, this was the very case which now existed in Ireland. The heat of debate was to be received as an excuse for every violent expression in an Association, standing at the head of a people on the very brink of rebellion [hear, hear! from the Opposition benches.] If they were not so, he retracted the expression; but certainly smarting under such a sense of the injuries under which they believed themselves to be suffering, it was likely to lead to such a state. He would ask whether such an Association, prosecuting by its authority persons who were to be tried by a jury selected out of a people so situated, could be suffered to exist, consistently with the impartial administration of justice in Ireland. The hon. member proceeded to make some remarks on an observation which had fallen on a former night from the right hon. member for Knaresborough (Mr. Tierney). He could not concur in the opinion of that right hon. member, that even if an administration could be formed on the basis of hostility to the Catholic claims, it would not hold together a month, when he had seen an administration endure so long, which was substantially opposed to those claims. He should be sorry to see the present administration broken up on this question; as the country would lose a great deal of certain advantage by such a result, and nothing would be really gained by the Catholics themselves. He should certainly support the bill, reserving his opinion, however, with reference to its details; since it might be found hereafter either to

fail in executing its purpose, or to exceed that degree of restriction which was necessary for the attainment of its object.

Sir *Francis Burdett*, on his rising, was inaudible for some moments, from the rush of members into the House, and to the front of the side galleries. When we could catch the hon. baronet's meaning, we found him declaring, that he had been much struck, as he doubted not the House had been, with the eloquence and vigorous fancy of the speech of the hon. member for Hertfordshire; but at the same time, it was quite impossible that every one should not have been still more astonished at the extreme inconsistency and want of argument in that address, from the beginning to the end of it. The hon. member had kept his word, most certainly, with the persons whom he addressed, that he would detain them but a short time upon the question before the House; seeing that three-fourths of his speech had been consumed, if he might take the liberty of saying so, in the discussion of facts and of topics entirely extraneous to it. And first, the hon. member set out, as pretty nearly all the other supporters of the question had done before him, with noticing the particular words of which the utterance was made matter of reproach to Mr. O'Connell. Those who pressed this reproach seemed never to suppose such a possibility as that it might be—far less, was—extremely unfair to take disconnected sentences from the speeches or writings of any man, and form a judgment upon them, without giving him the opportunity of explanation. Was it common justice—was it common reason—to take a dozen of a man's words, which he had not the power of explaining; to put the worst possible construction of which they were capable upon them; and then to hold him convicted of the intent which that construction imputed. Why, there was no book that ever had been written —not even the book which we all held the most sacred, and in the highest reverence—the very Bible itself—which would bear that test which gentlemen talked of subjecting the writings of Mr. O'Connell to. Englishmen, surely, would not forget what had been the situation, on this very point, of one of the noblest names that ever graced their annals? They would not forget that most scandalous interpretation which a corrupt judge, and an infamous jury, had combined to put upon the writings of Algernon Sidney—a meaning which it was impossible that any fair and candid mind could ever have imagined the imputing to them. In his defence, Algernon Sidney had said, that which he (sir F. Burdett), on the part of the Catholic Association, said now: "You take my words without the reasonable exposition of them: take a sentence from the Bible, and you shall find 'there is no God.'" It was only to leave out the first member of the sentence, and the Bible itself actually asserted that blasphemous proposition. Then, for the words attributed to Mr. O'Connell, he would repeat—even at the risk of being charged with Jesuitical casuistry, as his hon. and learned friend had been, and of attempting to get rid of the effect of a sentence which he, in common with that hon. and learned friend, thought needed no getting rid of at all—he would repeat, that the words of Mr. O'Connell were incapable of fair interpretation without giving him the opportunity of explaining them. But the truth was, there was no necessity for any casuistry at all about the matter. The words were capable of a very honest meaning; and why would it be unfair, then, to apply one to them? The hon. member forgot, while he was looking for a meaning to these words, the only point that a fair and candid mind would have kept in view—to wit, the obvious intention of the person who had written them. "By the hate you bear to Orangemen," the sentence ran—and what then? Was it to excite them to acts of vengeance, to feelings of animosity, that the Catholics were so adjured? Put the address in the way in which it had been published: it said—"By your hate of Orangemen, we charge you to do no act of violence against them! Lay yourselves not open to reproach," it said, "we conjure you, by every good motive"—there first mentioned. And, at last, "even by the worst motive which operates in your minds," it said, "we charge you to live in peace, and in the precepts of the Gospel," inculcating the observance of those precepts in such purity as, perhaps, few men could lay their hands to their hearts, and find themselves capable of realizing. But, there were some lines in a poem of Dr. Armstrong's, which he could have wished to place under the attention of honourable gentlemen opposite to him—much, on account of the general moral which they contained; and, still more, as they conveyed some notion of the present feelings of the Catholics in Ireland—

"An open candid foe I could not hate,
Nor ev'n insult the base, in low estate;
But thriving malice, tamely to forgive—
'Tis somewhat late to be so primitive."

Why, it was a new doctrine rather, to set up, that oppressors were not to be hated. [hear, hear]. What would those gentlemen who talked about Jesuitical casuistry have said, if the words had been "By the reverence and respect you owe to Orangemen" ["hear, hear," and laughter]—"by that affection you bear them, we entreat you to do this?" To object to the expression of hate was the most modern doctrine—the most absolutely original! Why, what were the words of Burns, in those beautiful lines of his, the address of Wallace to the Scottish army?

"By oppressions, woes, and pains,
By your sons in servile chains!"

The leader of the Catholic Association appealed to these same national sentiments; but for a purpose widely different. The song of the Scottish hero called on men who were oppressed, to draw the sword, and vindicate their laws and rights. It showed them every feature of their own suffering in the strongest light, and exhorted them to adopt the last resource—that resource which would be most agreeable to them—to put an end to it. But, the appeal of the Catholic Association was an address in favour, not of violence, but of patience; it prayed of the Catholics to go on prosecuting a constitutional object by constitutional means; and not to allow their minds to be irritated, even by the violence and injustice of their oppressors. And, who had ever heard, until now, that it was unlawful to urge a man by bad motives, as well as good ones, to correct conduct? Was it a fault in Hamlet that he addressed the ghost to that effect?

"Be thou a spirit of health, or goblin damned,
Bring with thee airs from heaven, or blasts from hell,
Be thy intents wicked, or charitable."

Whatever the being was, and from whatever motive, still he implored him to relieve his mind from the agony with which it was oppressed. It was a most gross misconception, the interpretation which the hon. member for Hertfordshire, and those who thought with him, had put on Mr. O'Connell's words; and, even say that it was impossible, gross as that interpretation appeared, to show that they were susceptible of any other, still it was not a candid proceeding in the House of Commons to fix an intention on a person in Mr. O'Connell's situation, without giving him an opportunity, and an ample one, of explaining himself [hear, hear]. For, as to the danger apprehended from the Catholic address, what was there in it—what single point—which any man might not be proud of having addressed to Ireland, situated as Ireland was at the present moment? What was there in any other part of Mr. O'Connell's address—for he would not catch at a particular expression, here or there—it was not generous, nor was it necessary, to criticise every expression which came from the mouth of a man whose heart was bursting with the wrongs of his country—what was there which could afford even the shadow of a subject for objection? But, this would not do for the hon. member for Hertfordshire; it was enough for him that there existed a Catholic Association. The hon. member objected to the mode in which all such associations had been defended. Now, Mr. Burke, and some other writers of authority, had spoken of the advantage of keeping them open as "safety-valves," through which public discontents, whether well grounded or unreasonable, might escape; but, the hon. member quarrelled even with this metaphor, and said that they were not safety-valves, but rather furnaces, which excited into combustion that matter which, in its explosion, might bring destruction upon all. In fact, "Do you not see that this Association is the furnace?" said the hon. gentleman. Why no: he (sir F. Burdett) did not. For he saw the furnace too plainly beneath: the true furnace lay in the wrongs of Ireland; and it was a furnace which, until those wrongs were redressed, no power could damp, or even put out of operation. This Catholic Association, so ill spoken of in all quarters—it was worth while to look at the condition in which it stood. It had so conducted itself as now to be the organ of six millions of Catholics in Ireland; including the nobility, the gentry, the clergy, and the merchants, as well as the peasantry; and forming, in fact, six-sevenths of the population of the country. Was it confined to Catholics, this Association? On the contrary, among the names of Protestants connected with it, appeared that of earl Fitzwilliam—a name which no man, whatever his party, could pronounce without sentiments of veneration—which implied unceasing generosity of character, courage

which shrunk not in the hour of danger, and benevolence such as exceeded, and such as alone, perhaps, could exceed, even the powers of that ample fortune, the blessings of which it so nobly dispensed [hear, hear]. Then, was he to be told, that the Catholic Association deserved any one of the imputations which had been cast upon it—that it meditated mischief against the country, when he saw such a name in the list of it as this? Men might differ upon some points: they might disagree as to what might probably be the result of the proceedings of such a society; but, while he saw such names as lord Fingal upon the Irish side of it, and earl Fitzwilliam on the English—while he saw the Catholics of England aiding and sustaining it, those persons who had ever been ranked among the most respectable portion of the British community, and who, if ever they were held in disesteem, had only fallen into it because they bore with too much patience those wrongs and grievances which some thought they should have stirred more actively to redress—was it possible to see the Catholic Association of Ireland supported by such names, and assisted and adhered to by such characters, without feeling that it stood cleared of those aspersions, which the hon. advocates of the present bill thought fit to cast upon it? [Much cheering].

The hon. member for Hertfordshire had proposed to meet the argument of his noble friend on the bench below; but he forgot to answer his noble friend's main argument, that—take all which had been stated to be true—take all the statements of the right hon. secretary for Ireland to be granted—say that the Catholic Association was all it had been said to be—it had not been shown how the present measure was to operate. The hon. gentlemen on the other side seemed a little to have mistaken what there was to be done. They had tried to show every point but the mode of operation; they had entirely omitted that which was, after all, the point of most consequence in the affair. The hon. member for Hertfordshire, too, following the example of many members who had preceded him, had said a good deal as to the influence of the Catholic Association with the proceedings of courts of justice. The hon. member for Hertfordshire said,—"You who disapproved of the Bridge-street Association, how can you sustain this Catholic convention without arguing against yourselves?" Now, the Bridge-street Association had been a bad thing—a very bad thing; but still there was something which was worse. He had disliked the Bridge-street Association most horribly; but adverting to another engine of prosecution, he had sometimes thought it was the lesser devil of the two. The Bridge-street Association, offensive as it was, had been compelled to go before a grand jury, when it wanted to indict persons. It had been a very impertinent and unpardonable body, sending spies into men's houses, and inundating the whole country with filth and scandal, with the pretence of putting that scandal down; but, with all the mischievous qualities and propensities of the Bridge-street Association, it had never possessed the power of proceeding ex-officio.

And now for the charge, that the Catholic Association prejudged cases; which, from the nature of the spirit which it assumed to be in action, called for some reply. The Catholic Association had prejudged nothing: it desired to prejudge nothing. It existed in a country, the population of which was impoverished, and in which the lower classes, for the profession of those religious tenets which itself maintained, were exposed every hour to abuse and to persecution. The Catholic Association sought only to obtain justice for their poorer fellow-subjects, who had not the power of obtaining it themselves. They were not likely to expend the funds intrusted to them needlessly or fruitlessly. What interest could they have in doing so? The course adopted by the Association was this—they received a complaint; heard the evidence as to it; referred it to a committee; that committee took legal opinion on the question; and, according to the result of that opinion, proceedings were, or were not, instituted. Now, what was there in all this, or any of it, like prejudging? To examine, certainly, was necessary; or how could they decide if assistance should be given? Could an Association like this be called an association which prejudged matters, which were afterwards to be decided at law? He should rather have called it a committee of justice, which only collected facts, for the purpose of laying them before the proper tribunal for decision. The Association conceived, and not without reason, that there were individuals subjected to various acts of oppression;

and they endeavoured to procure the evidence which bore upon such acts, and to lay them before a jury for trial. Was this prejudging? Was it not the fairest and most open course, which could be pursued?

He thought the Association were dealt with unjustly in the arguments on the other side. The right hon. Secretary, and the learned Attorney-general for Ireland, took into view just so much of the proceedings of the Association as suited their purpose, and no more. He did not know how the right hon. gentlemen would reconcile their different statements among themselves; but, it was certain, that, according to that of the right hon. Secretary, he had put himself completely out of court. In the observations which had been made on this question on the other side, he conceived that only a small portion of its merits were taken into consideration. For his own part, no words could convey his sense of its importance to the country. It concerned its vital interests; and when he used the words "vital interests," he did so without any disposition to exaggeration. It was a contracted view of this question to call it an Irish question. He called it an English question, the most important of any which had been brought under the consideration of government since the Revolution. He would not anticipate what might be the effects of the measure on the Catholics of England or Ireland. He could not say whether the predictions of several gentlemen on the other side would be fulfilled. He did not feel himself bound to answer for all the consequences of the measures introduced by his majesty's ministers; but, as the learned Attorney-general for Ireland had put a question to him on a former evening, when he (sir F. Burdett) was paying that attention to his remarks which was due to every member addressing the House, but which was particularly so to the learned gentleman's commanding eloquence, he was disposed to give him his opinion on the subject. The learned Attorney-general had asked, whether the hon. member for Westminster thought that if the present measure passed the House, the Catholics would submit?—whether they would not enter into some unseemly contest with the government on this point? He (sir F. Burdett) did not feel disposed to take upon himself to answer for what six millions of people might do, acting under the feelings which this bill was so well calculated to produce. But, looking at all the former acts of the Association—looking at its general conduct, founded as it was, in reason and justice—looking at the progress which it had made—at the confidence which it inspired—and at the causes which produced that confidence, he was, when the question was put to him, disposed to believe, without answering for what all the Catholics might do, that the Association would submit, and that there would be no opposition to this measure when passed into a law. This would have been his answer had he had an opportunity of giving it at the time the question was put; but, since then, and from the protraction of the debate, he was enabled to give a more decisive answer. He came down to the House this evening armed with the answer of the Catholic Association to this question. He would say from them, that they would submit implicitly to the measure when it passed—that they would enter into no unseemly contest respecting it—that they would give no opposition to the act of the legislature; but in declaring this, they expressed an humble hope, that they might be heard at the bar of the House before it was passed into a law. He felt it was due to the Catholics to make this statement, and he was convinced that a sense of justice to them on the part of the House would not refuse their prayer [hear, hear]. The House would remember what had been stated on a former evening by the right hon. and learned Attorney-general for Ireland, about the difficulty of forming an administration favourable to the Catholic question. "It was impossible," said the learned gentleman, "to form an administration wholly agreed upon that subject;" and this was followed up by the statement of the chancellor of the Exchequer, that it was impossible to form a government, which meant a cabinet, without such division of opinion. Then, the House had it admitted by two great authorities, that no administration could be got together, without including those who were favourable, as well as those who were opposed to the claims of the Catholics. But, what an opportunity was here offered to the friends of the Catholics! might they not have adopted a practice well understood in committees up stairs, where, when a difference arose, a party seceded, and thus knocked the brains out of the

committee, and it could stand no longer? If an administration could not be found, without admitting a portion of liberal feeling, was it not unfortunate that they who possessed that feeling should have succumbed to the other—that the enlightened part should have submitted to the dark, and allowed the darkness to overspread the land? He lamented this the more, as the parties who were thus joined without being united, differed not only in political, but in moral feeling, on questions of vital importance to the country. He lamented that this unnatural junction should have caused the government to stand still, as it were, on a question where the interests of millions were concerned. The feeling which could keep men together in such an administration, must be, no doubt, one of pure patriotism—an ardent devotion to the interests of their country. The two right hon. gentlemen opposite had devoted themselves for the public good. Their sacrifice was greater than that of the Decii of old; for there, only one consul immolated himself, but here there were two [cheers]. A line, it had been said, was drawn in the cabinet on this important question. It was, as was observed by the right hon. Secretary, a serpentine line, drawn by the master hand in that body. With painters, that serpentine line might be the line of beauty; but with moralists, the direct line was the line of integrity [hear, hear]. The differences in the administration upon the Catholic and other important questions were extraordinary, when viewed as emanating from men joined in the same government. What one did, his colleague was anxious to undo. They acted without any settled rule or order, and the only thing for which they could claim distinction, was their disunion on those questions in which, of all others, they should be united. Nothing that he had seen or read could be compared with this system, or want of system, except that which the greatest of our poets gave as a description of chaos—

———" where eldest Night
And Chaos, ancestors of Nature, hold
Eternal anarchy amidst the noise
Of endless wars, and by confusion stand.
For hot, cold, moist, and dry, four champions fierce,
Strive here for mastery, and to battle bring
Their embryo atoms; they around the flag
Of each his faction, in their several clans
*   *   *   *   *
Swarm populous.   *   *   *
*   *   To whom these most adhere
He rules a moment; Chaos umpire sits,
And by decision more embroils the fray
By which he reigns; next him, high arbiter,
Chance governs all" [loud cheering].

Would it not appear as if the cabinet had sat for the picture which Milton here drew, or that he had given the recipe for forming the present discordant one? [Cheers, and laughter]. It would appear as if nothing could put an end to this disorder until the Almighty should please to draw order out of chaos. But, he would ask, blessed as we were with this united and disunited cabinet, was it not something extraordinary—if any thing, indeed, could be extraordinary, from such a quarter; but—was it not in itself something extraordinary, that Ireland, of which Swift had said, that what would hold good of all other countries would not hold good of that—that Ireland being in a state of unexampled prosperity—in a state of national happiness which she had never before enjoyed—blessed, beyond precedent, with peace and prosperity, should now be subjected to a severe coercive law? Was it not an anomaly in the history of that country, that at a period of tranquillity, when Astræa, which had so long deserted her shores, was again come back, she should be visited with a law which supposed in her great population a disposition to revolt? The speeches of hon. gentlemen on the other side—the Speech from the throne—had exulted in the growing prosperity and unexampled tranquillity of Ireland; and yet upon that very part of the king's Speech was now grounded the necessity of a severe coercive measure. It had been stated by the chancellor of the Exchequer, and by several members before him, as a sort of justification of the proposed law, that no man had risen to defend the Catholic Association. He would reply that no man defended that which no man had attacked. After what had been said upon it by the right hon. Secretary for Ireland, and after his remarks had been so completely shattered by the speech of the hon. and learned member for Calne (Mr. Abercromby), could any man have thought it necessary to say a word in addition on that subject? Did the oldest member in that House ever remember such a complete shattering of any statement as that of the right hon. Secretary had received? But, if any thing were wanted to complete the discomfiture of the right hon. Secretary's arguments, it was supplied by the speech

of the right hon. member opposite (Mr. V. Fitzgerald). What ground was now left for him to proceed upon? He had complained of the tampering with the administration of justice. How was this complaint borne out by the fact? It was most distinctly proved, that the proceedings of the Association, in every prosecution they had instituted, were conducted with great good temper and moderation. This was admitted by the judges appointed to try the cases; and the agents of the Association were on many occasions complimented on the subject. But, did the House expect that the Catholics could quietly continue under the load of calumnies which had been so unsparingly heaped upon them by the Orangemen? Were they to make no effort to prove to the country that they had been most unjustly assailed? Suppose the Orangemen were allowed to proceed without any check, would it not be believed that the charges made against the Catholics were well founded? So much calumny had been heaped upon the Catholics—so great was the prejudice excited against them—that any thing which attacked their character would be received by certain parties without hesitation. If a man were to state that his pocket was picked in walking through St. Giles's, no person would doubt him, because a belief existed that such a circumstance was not unlikely to happen; but the statement might nevertheless be wholly unfounded. It was the misfortune of the Catholics of Ireland, that any thing which was stated to their prejudice received implicit belief; because calumny had represented them as capable of the worst actions. Thus situated it was natural that the Catholics should endeavour to repel the calumny, by bringing the cases where it was thrown out fully before the public. This course they adopted, and by the prosecutions which they instituted before the tribunals of justice, they proved the fallacy of the charges which had been made against them. What would have been thought if all the letters which had been published with the signature of a gentleman named Harcourt Lees had been attributed to the whole body of Orangemen? Would not such statements call forth some explanation from those who were attacked in them?

With respect to the general question of the Catholic claims, he congratulated the liberal portion of the country on the progress it had made, and was daily making. He had heard the sentiments of most of the hon. members who had delivered their opinions on this subject, and he could not refrain from expressing his surprise, that any friend of the general question should support the motion before the House. The right hon. Secretary for Foreign Affairs, and the learned Attorney-general for Ireland, had both as friends to the Catholics, expressed their anxiety to get rid of the Association as an incubus upon the Catholic cause. He would ask the right hon. gentleman, where he could have dwelt, to be ignorant of the sentiments of the Irish people in that respect? Was it possible that Glocester-lodge was so secluded from the world as to be impervious to what was passing in it on so important a question? Had he dwelt in such Cimmerian darkness, as not to see that which was visible to all other persons in the country? If he had, let his darkness be lightened by his right hon. and learned friend the Attorney-general for Ireland, who had stated the fact, that the Association owed its origin to the confidence of the Irish people. Was it not strange that such a difference should exist between two members of the same cabinet on a fact so notorious? He would wish to impress upon the House that this was not an Irish question. It was an English one. It applied as much to meetings in Yorkshire as to those in Dublin. Its influence would be felt in one part of the empire as well as in the other. The object was, to put down certain Associations; but the Catholic Association was particularly aimed at. Why condemn this Association as illegal? Was it so in itself, or was it so in its acts? An Association might be legal, and its acts illegal. A legal assembly might be guilty of illegal acts. Now, on which of those grounds was this society objectionable? The Attorney-general for Ireland had never attempted to disturb it on the ground of its illegality, but he had tried it by the acts of one of its members; and a jury of the country had declared, by their verdict, that there was no ground for the charge. On what ground, then, was it attempted to be put down? On the ground of its illegal tendency—on the ground that it might have an injurious effect hereafter? This was nonsense. It was a childish tampering with the liberty of the subject, which no liberal policy should ever countenance. The act, it was said, would be only temporary. That might or might

not be the case; and if the Catholics were not guided by a more sound judgment than that which directed the cabinet of England, a temporary act would not be sufficient, upon the principles which the proposed bill avowed. But, from his knowledge of the Catholics of Ireland, he had no fear on this point. The zeal and earnestness with which the leaders of the body had endeavoured to preserve the peace of the country were notorious; and that they had been successful could not with justice be denied. The Attorney-general for Ireland had borne testimony to the exemplary conduct of the Catholic priesthood, and to their active and useful exertions in maintaining the tranquillity of Ireland. That statement was, certainly, not in accordance with the declaration of the hon. member for Derry (Mr. Dawson), of another hon. member (Mr. Brownlow), whom he must consider as the representatives of the Orange party; but he would rather rely upon the statement of the Attorney-general who, from his situation, must best know the acts of all parties in that country, and he had given public testimony to the very valuable services of the Catholic priests, in preserving the peace of Ireland. With respect to the Attorney-general himself he would say, that if he ever could have had a doubt—which he never had—of his sincerity in advocating the claims of his Catholic countrymen, they would have been removed by his manly conduct the other night. That, would have left him convinced, that the Catholics of Ireland had not among their supporters a more zealous able and sincere friend [hear, hear].

It was well observed by the hon. member for Galway, who so manfully opposed the present measure, and who, absit invidia, had taken a more statesman-like view of it than any member of his majesty's cabinet, that it would have the effect of irritating the feelings of his very sensitive countrymen. But, if the views taken by the hon. member for Galway were thus correct and laudable, those taken by his majesty's ministers were of a character quite the reverse. The language which they had used in stating those views, was any thing but the language of wise and able statesmen. They said, forsooth, that they would not allow themselves to be bullied into granting the Catholic claims. To be bullied into doing an act of justice! Such language was as contemptible as the feeling which dictated it. Men must wonder how so paltry, so miserable and, so absurd a feeling could enter into the mind of a man of such eminent acquirements as the hon. and learned Attorney-general for Ireland; and still more must they wonder how, upon such a feeling, he could think of being a party to introduce into parliament a measure, which, from the excitation it was certain to produce among the Catholic population of Ireland, might be attended with consequences which he would not mention, and on which he dared not to reflect—which would be more prejudicial to the safety, honour, and welfare of the empire, even than the loss of the American colonies [hear, hear!]. That disastrous event, which had plucked the brightest jewel out of the Crown of England, had cast an ineffaceable stain on its hitherto unspotted reputation, and had lopped off a limb from the body politic, which he should ever consider of inestimable value to it, in spite of all the metaphysical efforts of political economists to reconcile the nation to its loss by representing it as mean and worthless. Deeply did he lament the separation of the north American colonies from the mother country; but, evil as that separation was—evil as was the long and bloody contest into which the country was unnecessarily plunged by the last war—evil as were the consequences which arose at the close of that war from the unwise policy of ministers, who tamely abandoned all the advantages they had obtained—evil as all the events he had mentioned were to the empire, still they would be as dust in the balance, when compared with the evil which would arise from producing a war of rebellion in Ireland [cheers]. He recollected, and he would recall to the recollection of gentlemen who still took some delight in the studies of their early life, an anecdote very apposite to this point, and indicating in very strong colours the difference which existed between the policy of a wise and powerful and magnanimous nation, and that, of such feeble and temporizing statesmen as those with whom the right hon. and learned gentleman was associated: he alluded to an event which occurred at an early period of Roman history. The Romans having conquered the Privernates, imposed upon them the colonial yoke, which the Privernates at a subsequent period endeavoured to shake off by war. They were,

however, speedily subdued by the Roman arms; and one of their delegates having been brought into the Roman senate according to the custom of that people, was asked what punishment he thought ought to be inflicted upon those who had rebelled so audaciously as his countrymen had done? His reply was worthy of the character of a man who sought to obtain freedom: he said, "We deserve to suffer such punishment as those ought to suffer, whose only crime has been a wish to secure to themselves the privileges of freemen." The Roman senate were of opinion that such a crime deserved no punishment; it being unnatural to suppose, that any set of men would remain longer in a condition of inferiority to their fellow-citizens in point of municipal rights, than they were compelled by sheer necessity. They came, therefore, to this determination —"Eos demum, qui nihil prӕterquam de libertate cogitent, dignos esse qui Romani fiant." The Privernates, in consequence, obtained all the rights and liberties of the state, and were enrolled in the number of Roman citizens. Would to God that the example of Rome might have some weight in the present times! [great cheers.] Would to God that the example of a great nation, which, in spite of the degradation into which it had fallen, had supplied to mankind the brightest lessons of patriotic wisdom and virtue, and which still possessed a name that could not be pronounced without awe and reverence, might have its effect both in deterring us from measures which must lead, like those they first used towards the Privernates, to insurrection and rebellion, and in teaching us, if insurrection and rebellion should arise, the most efficient means of extinguishing it for ever [cheers]. We were not, however, reduced to such a lamentable extremity at present; but that was not owing to the wisdom of our statesmen, but to the temper and moderation of the Catholic Association. The House might legislate in perfect safety. He had no occasion, therefore, to appeal to their apprehensions—for they had been relieved from all apprehensions by the declaration of the Association, that if this bill became law, they would quietly submit to its provisions—but he appealed, on that account, with double force to their sense of justice, to their feelings as men, to their patriotism as statesmen, and to their attachment to the general interests of the empire at large; and he conjured them, by all those qualities, to give a dispassionate examination to the claims of the Catholics, whenever they should be regularly brought under their notice and consideration.

There was also another sentiment in which he agreed with the hon. member for Galway. The hon. member had stated, that though he agreed with the Catholic Association in many points, he had attempted to dissuade it from intrusting its petition into his (sir F. Burdett's) hands. The hon. member had frankly confessed his reason for so doing; and in that also he concurred. He should, indeed, be sorry if he could not persuade the Catholics, when they brought their petition to him, to place it in the hands of the right hon. and learned gentleman opposite, who was more worthy than any other member he knew to succeed to the management of that great cause, which had been formerly intrusted to a man whose memory was still fresh in their recollection, and whose name was endeared to every friend of liberty and humanity, not merely in Ireland, but all over the world [cheers]. The right hon. and learned Attorney-general for Ireland was the natural successor of the immortal Grattan: he had taken up the cause which had been consigned to him by the expiring breath of the venerable patriot; and he trusted that he would still render it justice, by undertaking that task from which he (sir F. Burdett) shrunk, for the reasons he had just declared. He should do every thing in his power to persuade the Catholics of Ireland to replace their confidence in the right hon. and learned gentleman: he should express to them his firm conviction that they would aid their cause more by placing their petition in the hands of the right hon. and learned gentleman, than by leaving it in his: he should tell them, that they knew the right hon. and learned gentleman's ability, and that he believed in his sincerity: he should inform them, that, though he declined to present their petition, he should be happy to assist the mighty efforts of the right hon. and learned gentleman in giving it effect; and he should conclude by expressing his hopes to them, that by the gigantic assistance of the right hon. and learned gentleman, they would soon behold the anxious wishes of so many years brought to a happy and a glorious consummation [cheers]. The right hon.

and learned gentleman had, in the course of his speech, insinuated, that if he (sir F. Burdett) now came forward to press the concession of the Catholic claims, he would be acting inconsistently with his former declarations in that House. Without caring whether he was guilty of inconsistency or not, he would assure the right hon. and learned gentleman, that whenever he brought that great question forward, no efforts of his should be wanting to render it successful. He hoped that it was now making great advances in this country, and he was sure that it had made very great advances since the period to which the right hon. and learned gentleman had alluded. But, let that be as it might, it was not for him to flinch from the performance of his duty. The cause was good; the grounds on which it rested were impregnable; and, come what come might, he would be found among its supporters, and would exclaim to the last, with the Roman poet—"hic murus aheneus esto" [loud cheers].

Mr. Secretary *Canning* rose and said:*—

Sir; It is not unnatural that in a debate protracted to so unusual a length, some confusion should have been created by the variety of topics introduced into it. Such a confusion would not have been unnatural, even if it had not been in any degree designed. But it is still less to be wondered at when, in addition to the length of the debate and to the multitude of speakers, we take into account the pertinacious determination which has been manifested, to mix with the question before the House, other questions of a totally different nature. That confusion, it shall be my first endeavour to disentangle.

Sir, the immediate question before the House is as to the mode in which we shall deal with certain Associations in Ireland, the existence and character of which are described to us in the king's Speech; and with respect to which we have pledged ourselves in our Address, in answer to that Speech,—not indeed to adopt any particular measure of remedy, but to consider what remedy may be most effectually applied to the evil.

With this practical question has been mixed, I will not say wantonly and absurdly, but I do say illogically, and as no necessary part of the discussion, the whole of what is commonly called the Catholic Question. And to these two questions have been added, as well on former evenings as on the present, disquisitions upon the general conduct of the present administration in relation to the Catholic Question; and appeals personal to myself.

On this last point I feel a great unwillingness to obtrude any observations upon the House:—but situated as I am, Sir, the course which the discussion has taken leaves me no alternative. I must, before I sit down, request some few moments of your indulgence upon this point: promising that I shall as gladly shorten what I have to say upon it, as I reluctantly enter upon the discussion of it. This point, however, as the least important, I shall put off, till I have disposed of those which are of more legitimate interest.

Sir, I shall divide the observations which it is my duty to submit to the House, into four parts:—the first, the immediate subject of debate, the unconstitutional Associations in Ireland;—the second, the Catholic Question;—the third, the conduct of government,—and the fourth, my own personal conduct, in relation to that much agitated question.

The king's Speech asserts the existence in Ireland of Associations whose proceedings are inconsistent with the spirit of the Constitution; and are calculated to propagate alarm, and to exasperate animosities throughout that part of the united kingdom; and to retard thereby the progress of national improvement.

The fact of the existence of such Associations I do not recollect that any man in the course of this debate has ventured to gainsay. The question, therefore, which the House has to decide is properly this; Whether, having received from the throne a description of the evil attending the existence of such Associations, and having, in reply to that communication, pledged ourselves to consider of the means of remedying it, we shall now proceed,—I will not say to adopt (for that would be matter of subsequent deliberation), but—to take into consideration the means which the responsible advisers of the Crown have proposed to the House for that purpose;—or whether we shall turn round to the throne and say—"We have on deliberation completely satisfied ourselves that his majesty has been deceived by false information;—that the description applied in his majesty's Speech to the Associations in Ireland is

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altogether incorrect;—that true it is that such Associations do exist,—but untrue that their proceedings are inconsistent with the spirit of the constitution;—that true it is that alarms have been excited, and animosities exasperated in Ireland, but untrue that the acts of these Associations have tended to that excitement and exasperation:—that true it is that the flow of British capital into Ireland must be checked by any thing which gives room to apprehend danger to the peace of that country; but that the conduct of one at least, of the Associations in question, so far from having contributed to that check, has had a manifest tendency to create general confidence, and thereby to promote the growth of national prosperity:—that it is our duty, therefore, not only to leave the alleged evil without remedy,—but to confirm and strengthen that particular Association, in the exercise of all the functions and prerogatives which it has assumed." This is the plain question which the House has to decide.

And is it possible, Sir, that any man, looking at the Catholic Association, (which I at present refer to by that name only to discriminate it from others, and not as intending in this part of my argument, to imply that its Catholic character in any way enhances its evil or its danger), —is it possible that any man,—looking at an Association of this nature, at the means, the power, the preponderance of which that Association is acknowledged—nay is vaunted—to be in possession;—at the authority which it has arrogated, and at the acts which it has done,—can seriously think of giving stability and permanence to its existence?—Self-elected,—self-constructed — self-assembled — self-adjourned,—acknowledging no superior, —tolerating no equal,—interfering in all stages with the administration of justice, —denouncing publicly before trial individuals against whom it institutes prosecutions,—and rejudging and condemning those whom the law has acquitted,—menacing the free press with punishment, and openly declaring its intention to corrupt that part of it which it cannot intimidate;—and lastly, for these and other purposes, levying contributions on the people of Ireland;—is this, Sir, an Association which, from its mere form and attributes (without any reference whatever to religious persuasion), the House of Commons can be prepared to establish by a vote, declaring it to be not inconsistent with the spirit of the constitution?

In the next place, are we prepared to say that these and other acts of the Catholic Association have no tendency to excite and inflame animosities?—I affirm without hesitation, that they have directly that tendency: and in support of this affirmation I must beg leave to recur, however solemnly warned against the recurrence, to an expression which I was the first to bring to the notice of the House, but which has been since the subject of repeated animadversion; I mean the adjuration "by the hate you bear to Orangemen," which was used by the Association in their address to the Catholics of Ireland.

Various and not unamusing have been the attempts of gentlemen who take the part of the Association, to get rid of this most unlucky phrase, or at least to dilute and attenuate its obvious and undeniable meaning. It is said to be unfair to select one insulated expression as indicating the general spirit of the proceedings of any public body. Granted;—if the expression had escaped in the heat of debate, if it had been struck out by the collision of argument, if it had been thrown forth in haste, and had been upon reflection recalled: but if the words are found in a document which was prepared with care and considered with deliberation,—if it is notorious that they were pointed out as objectionable when they were first proposed by the framers of the address, but were nevertheless upon argument retained, —surely we are not only justified in receiving them as an indication at least of the *animus* of those who used them; but we should be rejecting the best evidence of that *animus*, if we passed over so well weighed a manifestation of it.

Were not this felt by honourable gentlemen on the other side to be true, we should not have seen them so anxious to put forced and fanciful constructions on a phrase which is as plain in its meaning as any which the hand of man ever wrote or the eye of man ever saw.—The first defence of this phrase was by an honourable member from Ireland, who told us that the words do not convey the same meaning in the Irish language, which we in England naturally attach to them. I do not pretend to be conversant with the Irish language, and must therefore leave that apology to stand, for what it may be worth, on the honourable gentleman's erudition and authority. I will not follow

every other gentleman who has strained his faculties to explain away this unfortunate expression; but will come at once to my hon. and learned friend the member for Knaresborough (sir J. Mackintosh), to whom the palm in this contest of ingenuity must be conceded by all his competitors. My hon. and learned friend has expended abundant research and subtilty upon this enquiry, and having resolved the phrase into its elements in the crucible of his philosophical mind, has produced it to us purified and refined to a degree that must command the admiration of all who take delight in metaphysical alchemy. My hon. and learned friend began by telling us, that, after all, *hatred* is no bad thing in itself. "I hate a Tory," says my hon. friend—" and another man hates a cat; but it does not follow that he would hunt down the cat, or I the Tory." Nay, so far from it,—hatred, if it be properly managed, is, according to my hon. friend's theory, no bad preface to a rational esteem and affection. It prepares its votaries for a reconciliation of differences,—for lying down with their most inveterate enemies, like the leopard and the kid in the vision of the prophet.

This dogma is a little startling, but it is not altogether without precedent. It is borrowed from a character in a play which is, I dare say, as great a favourite with my learned friend as it is with me, —I mean the comedy of "The Rivals;"—in which Mrs. Malaprop giving a lecture on the subject of marriage to her niece, (who is unreasonable enough to talk of liking as a necessary preliminary to such a union), says, "What have you to do with your likings and your preferences, child? depend upon it, it is safest to begin with a little aversion. I am sure I hated your poor dear uncle like a blackamoor, before we were married; and yet you know, my dear, what a good wife I made him." Such is my learned friend's argument to a hair.

But finding that this doctrine did not appear to go down with the House so glibly as he had expected, my hon. and learned friend presently changed his tack; and put forward a theory, which whether for novelty or for beauty, I pronounce to be incomparable; and, in short, as wanting nothing to recommend it but a slight foundation in truth. True philosophy, says my hon. and learned friend, will always contrive to lead men to virtue by the instrumentality of their conflicting vices. The virtues, where more than one exist, may live harmoniously together: but the vices bear mortal antipathy to one another, and therefore furnish to the moral engineer the power by which he can make each keep the other under controul. Admirable!—but upon this doctrine, the poor man who has but one single vice must be in a very bad way. No *fulcrum*, no moral power for effecting *his* cure. Whereas his more fortunate neighbour, who has two or more vices in his composition, is in a fair way of becoming a very virtuous member of society. I wonder how my hon. and learned friend would like to have this doctrine introduced into his domestic establishment. For instance, suppose that I discharge a servant because he is addicted to liquor, I could not venture to recommend him to my hon. and learned friend; it might be the poor man's *only* fault, and therefore clearly incorrigible: but if I had the good fortune to find out that he was also addicted to stealing, might I not, with a safe conscience send him to my hon. and learned friend with a very strong recommendation, saying,—I send you a man whom I know to be a drunkard: but, I am happy to assure you he is also a thief: you cannot do better than employ him; you will make his drunkenness counteract his thievery, and no doubt you will bring him out of the conflict a very moral personage. My hon. and learned friend, however, not content with laying down these new rules for reformation, thought it right to exemplify them in his own person, and, like Pope's Longinus, to be "himself the great sublime he drew." My hon. and learned friend tells us, that Dr. Johnson was what he (Dr. Johnson himself) called "a good hater;" and that among the qualities which he hated most, were two which my hon. and learned friend unites in his own person,—that of Whig, and that of Scotchman. "So that," says my hon. and learned friend, "if Dr. Johnson were alive, and were to meet me at the club of which he was a founder, and of which I am now an unworthy member, he would probably break up the meeting rather than sit it out in such society."—No, Sir, not so. My hon. and learned friend forgets his own theory. If he had been only a Whig, or only a Scotchman, Dr. Johnson might have treated him as he apprehends: but being both, the great moralist would have said to my hon. and learned friend, "Sir, you are too much of a Whig to be a good

Scotchman, and, Sir, you are too much of a Scotchman to be a good Whig." It is no doubt from the collision of these two vices in my hon. and learned friend's person, that he has become what I and all who have the happiness of meeting him at the club, find him, an entirely faultless character.

For my own part, however, I must say that I cannot see any hope of obtaining the great moral victory which my hon. and learned friend has anticipated; of winning men to the practice of virtue by adjurations addressed to their peculiar vices. I believe, after all these ratiocinations and refinements, we must come back to the plain truth, which is felt even while it is denied,—that the phrase "by the hate you bear to Orangemen" is an indefensible phrase; that it is at least,—what alone I am contending that it is,—incontestable evidence of the allegation that the Catholic Association does excite animosities in Ireland. It is an expression calculated to offend, provoke, and exasperate the Orangemen; however palatable to those whose hatred of Orangemen it predicates, and, to say the least, does not disapprove.

The next allegation which the House has to consider is, whether an association such as has been described, is conducive to the prosperity of Ireland, or whether it must not, in fact, tend to impede in that country the progress of national improvement. Is it possible to entertain two opinions on this subject? The hon. baronet, indeed, who last addressed the House, says, that there is an inconsistency between that part of the king's Speech which represents Ireland as unusually prosperous and flourishing, and this call on parliament for a law to put down dangerous and unconstitutional associations. Sir, I see no inconsistency whatever between these two passages. Ireland *is* sharing in the general prosperity. The indications of that prosperity and the extension of it to Ireland, are known to every person throughout the country: but does that circumstance disprove the malignity of an evil which retards the increase of that prosperity, by rendering its continuance doubtful?—which puts to hazard present tranquillity, and disheartens confidence for the future?—which, by setting neighbour against neighbour, and arousing the prejudices of one class of inhabitants against those of the other, diverts the minds of both from profitable occupations, and discourages advancement in all the arts of peace,—in agriculture, in manufactures, in commerce—in every thing which civilizes and dignifies social life? The tide of English wealth has been lately setting in strongly towards Ireland. The alarm occasioned by this association acts at present as an obstacle to turn that tide, and to frighten from the Irish shores the industry, enterprize, and capital of England. Is it not, then, Sir, I ask, the duty of parliament to endeavour to remove this obstacle—to restore things to the course which nature and opportunity were opening; and to encourage and improve in Ireland the capacity to receive that full measure of prosperity, which will raise her, by no slow degrees, to her proper rank in the scale of nations?

With respect, then, to the first question which I proposed for the consideration of the House, namely whether parliament ought to put down an association, arrogating to itself unconstitutional powers, tending to excite animosity, and to check the progress of national improvement, I think, Sir, the answer is easy and obvious; without saying one word of the Catholic religion, or of the religious composition of the association, whose other characteristics I have endeavoured to describe. It is not on account of its religious, but on account of its political character, that I view with dread and distrust the proceedings of this association, and that I call upon the House to entertain the present measure for the purpose of putting it down.

In avoiding to speak, as yet, of the religious character of the association, I have avoided also to advert to its character, whether imputed or assumed, of a representative of the Irish people. I am clearly and decidedly of opinion, that without taking either of those qualities into account, there is ground enough to apprehend so much mischief from the mere existence of this association, as will justify the House in saying, that it shall exist no longer.

When I speak of the representative character of the Catholic Association, I do not mean to assert that it has ever affirmed itself to be the representative of the people of Ireland. No such thing; it is too wise in its generation to hazard so impolitic a declaration. If it had done so, it would have been unnecessary to argue the present question; for no new act of parliament would, in that case, have been necessary to enable the law to deal with it.

But Sir, although the Catholic Association has not openly assumed this representative character, I cannot shut my eyes to the fact, that such a character has been attributed to it by others: and if notoriety be, as undoubtedly it is, a ground upon which legislation may be founded, the repeated statements which have been made in this House during the present debate, that this Association is, and is held to be, the virtual representative of the people of Ireland, call upon the House to consider whether such an Association can co-exist with the House of Commons. Can there, I ask, co-exist in this kingdom, without imminent hazard to its peace, an assembly constituted as the House of Commons is, and another assembly invested with a representative character, as complete as that of the House of Commons itself, though not conferred by the same process? Does not the very proposition that such is the character, and such the attributes of the Catholic Association, even if not actually true at the present time, warn us at least what the Association, if unchecked, may become? And if the Catholic Association, with the full strength and maturity of the representative character, could not (as assuredly it could not) co-exist with the House of Commons; shall we not check the Association in time, before it has acquired that strength and maturity?

In debating this question, it has been my intention to abstain, and I trust that I have abstained, from uttering any harsh language against the Catholic Association. I entertain no disposition to impute to it motives that are intentionally mischievous. And, Sir, if I had entertained any such disposition, the information which the hon. baronet has this evening given to the House,—that the Association have resolved to submit implicitly to the law, if law this bill should become,—would have disinclined me from indulging that disposition. The hon. baronet's information, however, makes no difference in my judgment, as to the necessity of passing this bill. On the contrary, we ought to be the rather induced to pass it; since the passing of it will be a relief to the minds of the Catholics, as well as of the Protestants, by enabling the members of the Association to take, under the authority of parliament, that step which they might find it both difficult and distressing to take by any original resolution of their own.

Sir, for my own part, I should have been contented here to conclude my address to the House; having stated to the House the objections which I feel to the continued existence of the Catholic Association, (objections wholly independent of its religious character,) and having cast aside, as unnecessary to my argument, all the topics of inflammation and exaggeration with which the debate has hitherto been overloaded. I should have been willing to go to the vote now, relying confidently on the conviction which the House must feel, that it has no choice but to pass the present measure, if it would maintain the authority of parliament unrivalled, and the peace of the kingdom undisturbed.

But, Sir, though I contend that the Catholic Association is quite distinct from the Catholic question, and though the Catholic question is not properly the subject of this debate; yet, as there is hardly a member who has not introduced some discussion of that question into his speech, I feel it incumbent upon me not to decline the opportunity of stating my sentiments upon it. I shall do so with the same openness and unreserve with which I have often, already, submitted them to this House and to the country.

It was attempted, Sir, in an earlier stage of this debate, to represent the Catholic Association as the organ of the Catholic body, for bringing their claims, by petition, under the notice of parliament; and it was asked, whether we could put that Association down, without extinguishing all communication between the Catholics and the House of Commons. Sir, I should have been prepared to combat this representation, if it had been persisted in; but after the information received from the hon. baronet, it is unnecessary, and would be ungenerous, to press that discussion.—

Sir *F. Burdett* here rose to explain. He begged to state, that he had never said that his information came from the Catholic body. It came from a source which was also open to the right hon. gentleman, —the newspapers, in which the proceedings of the Catholic Association were reported. He begged to refer the right hon. gentleman to the language of their own petition, in which the petitioners expressly declared their intention to submit implicitly to the law, if the bill should pass into one; but in the mean time they expressed a hope that they might be heard by counsel against the bill. That, he be-

lieved, was the substance of what was stated in the newspapers containing the petition.

Mr. *Canning*.—The hon. baronet has the advantage of me. I have not read any thing similar to what is now cited.

Sir *F. Burdett* stated, that his information was derived from sources that were quite as open to the right hon. gentleman as to himself.

Mr. *Canning*. I do not happen to have seen any newspaper statements at all, excepting those of the most general kind, upon the subject. The declaration which is now alluded to, I am to understand, then, to be conditional.

Mr. *Brougham*, referring to the language of the petition, declared, that the petitioners affirmed most positively, that as soon as the bill had received the royal assent, and passed into a law, they would yield all obedience to it; but that in the meanwhile—

Mr. *Canning*. It appears, then, that this profession of intended obedience is coupled with conditions. Now, to those conditions (without, for the present, proceeding in any manner to argue them) the House may or may not be prepared to assent.

Mr. *Brougham* (reading from the petition itself) said, they proposed to render unconditional submission to the bill whenever it should have passed into a law; reserving to themselves, in the mean time, the right to adopt, with the permission of the House, the best and most legal method of representing their grievances, namely, of being heard by counsel at the bar against the bill.

Mr. *Canning*. Then I am to understand that this is a promise of unconditional submission?

Mr. *Brougham*. Most undoubtedly.

Mr. *Canning*.—The fact then, Sir, is clearly stated, that the Catholic Association means to submit to the law; and after this information, I repeat, I will not persevere in the course of argument, which, had the intentions of the petitioners been at all doubtful, I should have thought it necessary to pursue. I meant to shew to the House, that the very circumstance of the Catholic Association being, (as it was boasted to be) in possession of an entire mastery and controul over the Catholic body, afforded a cogent reason, not for refusing to allow this bill to be brought in, but on the contrary, for passing it without delay. This opinion, Sir, I formed on two grounds; the first embracing that general view, upon which I have argued the necessity of bringing in this bill at all, namely, that it is not fit that there should exist, under any circumstances, a body holding itself forth, or described or recognized by others, as the depository of the confidence and the organ of the will of the whole Catholic population of Ireland; nor could any such body, however constituted, be tolerated in the exercise of such assumed functions; seating itself as it were, by the side of parliament, and intercepting the allegiance of the people. The second ground was, that the assertion and the belief that this society was as described, the depository of the confidence of the Catholics, and the organ of their will, could not but be in the highest degree prejudicial to the Catholic question: and that, therefore, for the interests of the Catholics themselves, an end ought to be put to the Catholic Association.

Such, Sir, is the course of argument which I should have felt it my duty to pursue, but for the information now communicated by the hon. baronet and vouched by the hon. and learned gentleman. That information appears to me to render such a course of argument superfluous. That the bill will pass through this House by a great majority I have not the slightest doubt: and since the assurance is now authentically given, that so soon as the bill shall have become a law, unqualified submission will be rendered to it, I am not desirous of enforcing any arguments, the effect of which is already anticipated, nor of pressing any which might tend to introduce unnecessary acrimony into this discussion.

I revert, therefore, Sir, to that second part of the discussion in which I was proceeding when the hon. baronet interrupted me, namely, to what relates to the Catholic question. I stated, without reserve, on the first night of the session, that my opinions and wishes upon that question remain altogether unaltered. But I do not think it the best proof of the sincerity with which wishes and opinions in favour of any particular cause are entertained, to shut one's eyes to any disadvantage (temporary and transient disadvantage I am willing to hope) under which that cause may labour. I certainly think that the Catholic question labours under such temporary disadvantage at this moment: and I think the very evil that we are discussing, one of the main sources of that disadvantage.

I am of opinion, that the existence and proceedings of the Catholic Association have greatly alienated the public mind of England from the Catholic cause. I declared that belief on the first night of the session. I have seen nothing to alter it. But I did not, and do not state this to be the only ground of what I believe to be the present feelings of this country.

If the Catholic question has within these few years retrograded in the favour of the people of England, as (expressing a most reluctant and painful conviction) I think it has, I know not how I can better explain what appears to me to be one principal cause of that retrogradation, than by referring to the speech of the right hon. gentleman (Mr. Tierney) who concluded the debate on Friday evening. In that part of his speech in which the right hon. gentleman stated himself to be then, for the first time in his life, opening his lips in defence of the Catholic claims, which he had for so many years been contented to support with his silent vote, the right hon. gentleman,—with that good sense which always distinguishes him in debate, and by which he knows so well how to select and to urge those topics that are likely to have most effect, either with the House or with the country,—thought it necessary to preface his declaration, in favour of concession to the Catholics, with a personal profession of faith. He described himself as being not only from birth and education, but from inquiry and conviction, a staunch adherent to the church of England. For like reasons, no doubt, an hon. and learned civilian, (Dr. Lushington) who spoke last night, took occasion to make for himself the same profession of faith, in terms even more energetic than those employed by the right hon. gentleman. Sir, I take these declarations for proof that the gentlemen who make them believe (as I believe), that the establishment of the church of England is deeply and firmly rooted in the affections of the English people.

Now, Sir, the sentiments thus expressed by the right hon. gentleman, and by the learned civilian were, as most hon. gentlemen know, and as I, from my frequent communications on the subject of the Catholic cause with that great man, had opportunities of learning personally from him,—these sentiments, I say, were the settled sentiments of the late Mr. Grattan. In every bill which Mr. Grattan ever presented to this House in favour of the Catholic claims, there was a studious setting forth in its preamble, of the principle that the establishment of the united Protestant church of England and Ireland was permanent and inviolable. And so far from meaning to prejudice that permanency and inviolability, Mr. Grattan always contended that the tendency of his proposed measures was to confirm and strengthen that Protestant church establishment.

What is the language of the resolutions on which the act of Union between Great Britain and Ireland was framed? I beg the House to allow me to recall it to their recollection. The fifth resolution runs as follows: "That it be the fifth article of the Union, that the Churches of England and Ireland, as now by law established, shall be united into one Protestant Episcopal Church, to be called "The United Church of England and Ireland;" and that the doctrine, worship, discipline, and government of the said United Church shall be, and shall remain in full force for ever, as the same now are by law established for the Church of England; and that the continuance and preservation of the said United Church, as the Established Church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the Union."

This, I say, is one of those resolutions on which the Union was founded. And it was in reference to the corresponding article of the Union, that every bill which Mr. Grattan introduced into parliament for the relief of the Roman Catholics was framed. I believe also, Sir, that in the bill introduced by my right hon. and learned friend (Mr. Plunkett) for a similar purpose, there was a clause in the preamble similar to that in Mr. Grattan's bills. The preamble in Mr. Grattan's bills was in substance this:—"Whereas the United Protestant Church of England and Ireland *is established permanently and inviolably,*" and "whereas it would tend to promote the interests of the same, and to strengthen the free constitution of *which the said United Church forms an essential part,*" to admit the Roman Catholic subjects of his majesty unto a full participation of civil privileges, &c.

From the care thus taken to repeat and enforce the provision made by the act of Union for the inviolability of the United Protestant Church establishment of England and Ireland, up to the latest period at which bills for the relief of Roman Catholics

have been introduced into this House; the belief of the people of England has been that this article of the Union would form a fundamental rule for any conciliatory arrangement. But within the last two years, propositions have been introduced into this House, and have been received here with more or less favour, which are directly contrary to the principles thus laid down, and directly and avowedly hostile to the inviolability of the established Protestant Church of Ireland. I speak with knowlege of the fact, when I say, that these propositions, and the manner in which they have been entertained, have revived apprehensions which were previously quieted, and have excited serious alarm among sincere well-wishers to the Catholic cause, as advocated and explained by Mr. Grattan. The resolutions to which I refer were moved on the 4th of March, 1823:—

1. "That the property of the Church of Ireland, at present in the possession of the bishops, the deans and chapters of Ireland, is *public property*, under the control and *at the disposal* of the legislature, for the support of religion, *and for such other purposes* as parliament in its wisdom may deem beneficial to the community; due attention being paid to the rights of every person now enjoying any part of the property."

2. "That it is expedient to enquire whether the present Church establishment of Ireland be not more than commensurate to the services to be performed, both as regards the number of persons employed, and the incomes they receive; and if so, whether a reduction of the same should not take place, with due regard to all existing interests."

The first of these resolutions was negatived without a division: on the second, the numbers who affirmed it were 62, the noes 167. In the year 1824 the second of these resolutions, with a slight omission, was brought forward again; the division upon that occasion was, ayes 79, noes 153.

Now, Sir, I repeat it, I positively know that this evident and wide departure from the principle which Mr. Grattan always thought necessary to put forward as preliminary to any chance of a favourable reception for the Catholic question, has excited much suspicion and jealousy. I repeat, that it has disinclined from a favourable opinion of the question some even of those who have been most anxious and ardent in their desire that Mr. Grattan's bill should pass: but more, many more of those who had just brought their minds to an abstinence from opposition to it. I beg the right hon. gentleman (Mr. Tierney) not to suppose that I apply any thing which I am now suggesting, personally to him. I do not know that he voted for these resolutions; I believe he never did. All that I mean by appealing to the right hon. gentleman's speech is to take advantage of his authority; and to shew that the right hon. gentleman and myself, and a greater man than either of us, Mr. Grattan, all agreed in holding one and the same estimate of the feelings of the people of England;—in believing that the people of England are unchangeably attached to the Church of England; and that they know the Protestant Church of England and of Ireland, to be, according to the articles of the Union, one, indivisible and inviolable.

Mr. Grattan considered it necessary to consult the feelings, or, if you will, to respect the prejudices of the English people in this respect, and to found his measure upon a careful observance of them. The resolutions to which I have referred, bespeak a disposition, and no inconsiderable disposition, to overlook the guides, and to break down the principle so respected by Mr. Grattan. Who is there, then, among those who are favorable to the Catholic question, and still more amongst those who think the carrying of it the one thing needful for the peace and strength of the United Kingdom, but would acknowledge it to be an inauspicious circumstance for the success of that question, that any doubt should go forth as to the disposition of those who bring it forward, to tread in Mr. Grattan's steps, and to proceed with all his tenderness and consideration towards the Protestant Church establishment? When the honourable gentlemen on the other side of the House shall bring forward any measure for the relief of the Catholics, I warn them, and I warn them in kindness,—that unless their bill shall manifest the same anxious regard for the inviolability and permanency of the Protestant Church of England and Ireland, as Mr. Grattan's bills, it will fail. It may be that some of those who think the carrying the Catholic question the one thing needful, may also think that it would have been better if the legislature had never been bound by an irrevocable pledge to preserve the inviolability of the Church of Ireland,—

that it would be better if parliament were to revoke that pledge. But, I warn the honourable gentlemen, that they must settle that matter—not with the opponents of their bill only, but—with many supporters of the Catholic question, and with the Protestant people of England; that before another bill for Catholic emancipation can be successfully carried through this House, the proposers of the resolutions which I have quoted must make up their minds to one of two alternatives,—either to renounce those resolutions, or to despair of the Catholic question. On this statement I am quite ready to go to issue; and I am content to be judged by the event.

Let it not be inferred that I am therefore unfriendly to the Catholic question. I peremptorily deny that inference. I am at all times ready to give the Catholic question my best support: but I plead guilty to the charge of being irreconcileably unfriendly to the spoliation of the Protestant Church of Ireland.

I trust, Sir, there is no inconsistency in maintaining the Protestant Church establishment, and in conceding at the same time civil and political rights to our Catholic fellow subjects. At all events, it is an inconsistency which I am content to share with the right hon. gentleman to whose speech I have referred. I agree with him in wishing that holders of the Roman Catholic faith may be admitted to the franchises and privileges of others of his majesty's subjects (not from any want of conviction of the absurdities of the Roman Catholic religion, nor yet from any lukewarmness in my affection for that purer reformed religion, in which I have had the good fortune to be bred): but if I think it possible, as I do, to maintain both religions in perfect harmony together; impossible, I am sure it is, to maintain at the same time a bill for carrying the Catholic question, and the resolutions proposed to this House in 1823 and 1824.

I think, Sir, I have justified my statement that there are reasons, independent of the Association, why the Catholic cause has retrograded during the last two or three years, in the minds of the people of England.

I do not, however, mean to say that this retrogradation of the question in the minds of the country is irretrievable. Nothing like it. It is in the power of this House effectually to tranquillize the fears which I have represented as pervading the minds of the people of England, respecting the security of the Protestant Church establishment.

Sir, though nothing can be more injudicious than those arguments which tend to confound the Catholic Association with the Catholic population of Ireland; and, though I utterly deny that the Catholic Association and the people of Ireland are to be considered as one; yet I cannot be supposed to have meant to say that, so far as the Catholic question is concerned, there can be any other than one unanimous feeling throughout the Catholic population of Ireland.

Nor was this, as I believe, the true sense of a statement made on this side of the House (I am not quite sure on which night of the debate), and completely misunderstood (as it appears to me) by an hon. gentleman opposite. It was stated, that all that remained to be granted to the Irish Catholics affected the higher classes of society only,—that we had already granted all the concessions which could affect the mass of the people:—and it has been attempted to infer from this statement, that it was intended to argue that the granting of what remained must be, therefore, matter of indifference to the people. Now there is no argument that I should be more eager to combat (it is one which I have often combated), than that which assumes that the lower classes of society are not affected by what peculiarly regards the higher,—which supposes that there is no necessary sympathy between these classes, however numerous the links of the chain which connects them together. It is, indeed, true that what remains to be granted to Ireland, must now be granted chiefly to the higher classes; for it does happen, by what I cannot but consider to have been an unfortunate mistake in legislation, that almost every thing which parliament has hitherto conceded, has been granted to the lower orders of society. I did not however understand this statement to be put forward as an argument against further concession, but simply as a fact;—and as a fact condemnatory of past legislation, rather than prohibitory of legislation to come. What may yet remain to be granted to the Catholic peer, is deeply interesting to the Catholic peasant. Until all classes of Catholics shall be admitted to a participation in the privileges of their Protestant fellow sub-

jects (with some qualifications indeed, too much matter of detail to enter into now),—until they shall be admitted to the full extent which Mr. Grattan proposed, I do not expect—not that much good may not be done, (for past concessions have already done very great good, and many, many improvements have been introduced into the state of society in Ireland, with which the Catholic question has no concern),—but, I do not expect that the great work will be complete. The concessions which remain to be granted will be the crown and finish of the whole.

So much, Sir, for the Catholic question: and quite as much as, on an occasion in which it is not the proper subject of debate, it can be necessary to say upon it.

I come now to the third division of the matters of which I find myself compelled to treat. Not the hon. baronet alone, but many others who preceded him in this debate have imputed as a reproach to the present Administration, that we are divided in opinion on the Catholic question.—I ask the hon. gentlemen who have made this charge, to be so good as to tell me, *when* that administration existed (since the Union with Ireland), in which there prevailed a common sentiment respecting the Catholic question?—I challenge them to point out a single month for the last twenty-five years, when division of opinion on that question has *not* existed among the confidential servants of the Crown; and when the objection to sitting in a chequered cabinet has not been just as applicable as at the present moment. I defy the hon. baronet to disprove this assertion. There have, indeed, been periods, when this conflict of opinions had no practical operation; because it was superseded by a general understanding that all the members of the cabinet, what ever might be their personal opinions, concurred in *resisting* for the time, all consideration of the Catholic claims: but of a cabinet concurring in opinion to *grant* the Catholic claims, I repeat there is no example. Wherefore then is the *present* cabinet to be selected as an object of peculiar reprehension on this account?

When Mr. Pitt retired from office in 1801, on account of his inability to carry this question, the administration, under lord Sidmouth (then Mr. Addington) was formed,—formed it is needless to say, on the basis of a determined resistance to it. Of that administration lord Castlereagh subsequently became a member: but the cabinet was still avowedly and systematically hostile to the discussion of the Catholic claims. No attempt was made during its existence to bring those claims into discussion.

To lord Sidmouth's administration succeeded, in 1804, that of Mr. Pitt. During Mr. Pitt's administration, individual differences of opinion upon this subject were kept in abeyance by one preponderating sentiment, in which there was a general agreement. There was, in the feelings of all the members of that cabinet, an insurmountable obstacle to the discussion of the Catholic claims: an obstacle, of which it is difficult to speak in proper parliamentary language, but which has been so often alluded to in debate, that it must be known to every man who hears me. It is now matter of history. I mean that scruple of the royal mind, which Mr. Pitt determined to respect; and which was pleaded, in no obscure terms, as one main ground of his resistance in 1805 to the motion then brought forward by Mr. Fox for the consideration of a Roman Catholic petition. Of the validity of that obstacle, and of the respect which it was justand right to pay to it, I will not enter into any argument. I aim not so much at shewing who was right, or who was wrong, at any particular moment, in the series of successive administrations, as at giving a faithful picture of their respective conduct. In this spirit I beg to be distinctly understood by the hon. gentlemen opposite, as not intending to use the vulgar reproach of—"You did the same,"—when I proceed, as next in course of history I must, to Mr. Fox's and lord Grenville's administration.

On the death of Mr. Pitt, in January 1806, Mr. Fox, jointly with lord Grenville, succeeded to the management of affairs. Mr. Fox certainly did not hold in the same respect as Mr. Pitt professedly had done, the scruples of the king's conscience: for Mr. Fox's motion in 1805 was made and maintained in direct (I do not mean to say whether proper or improper) defiance of those scruples. That motion was not eight months old, when Mr. Fox seated himself as minister in Mr. Pitt's place in the House of Commons.

Here, therefore, I desire the House to pause with me, while I put a question or

two to the hon. gentlemen opposite:—If the necessity for making the Catholic question a cabinet question is so very apparent,—how happened it not to strike Mr. Fox in that light, when he took office in 1806? It will not be said that Mr. Fox was so unimportant an element in any administration to be formed in this country, after the loss of Mr. Pitt, that he could not have dictated terms, which it is always taken for granted, and made matter of charge that I could have dictated if I pleased, in 1822. How then are we to account for it, that Mr. Fox in forming his cabinet, not eight months after he had brought forward his motion, (the first since the Union) for Catholic emancipation,—so far from having endeavoured to bring together a cabinet harmonious and consenting on the Catholic question; should not even have been contented with the single dissent, which he possessed,—and could not perhaps get rid of,—in his lord chancellor, (lord Erskine) but should have gone out of his way to bring into the administration the two persons in public life, the most decidedly and notoriously opposed to that question? The first of these was lord Sidmouth, with whom neither Mr. Fox nor lord Grenville had ever had any political connexion, and to whom they could therefore have no political pledges; the other was sought for in a quarter in which I trust a member of a cabinet will never be sought for again, on the highest seat of justice,—the chief criminal judge of the kingdom. Let it not be said that lord Sidmouth's and lord Ellenborough's sentiments on the subject of the Catholic question were unknown. By lord Ellenborough, I believe,—by lord Sidmouth, I am confident (for he has more than once declared it in his place in the House of Lords), a formal and solemn claim to freedom of action upon the Catholic question was distinctly stipulated,—before they would accept the offices that were tendered to them. It was, therefore, knowingly and advisedly, that these discordant materials were incorporated into that government;—a government (be it observed, too,) which *did* make the abolition of the Slave trade for the first time a cabinet question; and which had therefore the doctrine of cabinet questions full and clear before their eyes.

I do not wish to press this point harshly or invidiously; but it does require, I think, some courage,—some front—in those who were connected with Mr. Fox's administration of 1806, to catechise any man, or any set of men, as to their motives for framing or belonging to an administration divided in opinion upon the Catholic question. I say, Mr. Fox's administration,—not as presuming to apportion power between the eminent individuals of whom that administration was composed, but—in order to mark particularly that period of the administration of 1806, during which Mr. Fox was alive. During Mr. Fox's life-time it is perfectly notorious that there was not a stir, not a whisper, towards the agitation of the Catholic question, or of any thing connected with it. In the interval between Mr. Fox's death, and the dissolution of lord Grenville's administration, an attempt to moot a part, and no unimportant part of the question, was made; and it is therefore that I address to the friends of Mr. Fox, not to those of lord Grenville, the interrogatories which I have taken the liberty to propose.

Sir, to lord Grenville's administration succeeded in 1807, that of the duke of Portland; which, being formed in a great measure out of the materials which had been broken up by the death of Mr. Pitt, naturally inherited his principles, and walked in his steps. The obstacle, which had opposed itself to the favorable consideration of the Catholic question in Mr. Pitt's time, continued unchanged. I think it not necessary to make any other defence for myself for having adopted Mr. Pitt's principles, than that they *were* Mr. Pitt's. I continued to abide by them so long as the same obstacle existed. I followed the course which he had pursued, and I followed it equally *in* office and *out* of office. Under the influence of his example I resisted the question in 1808, when I was a minister. I resisted it again in 1810, after I had resigned my office; when I had no tie to controul me; and when, my opinions being what they have been ever since and are now, I should naturally have taken a different course, if unrestrained by the motive which I have described.

I resigned my office in 1809; and shortly after, by the death of the duke of Portland, the government devolved into the hands of Mr. Perceval. Mr. Perceval's sentiments on the Catholic question are well known. His cabinet, however, contained members differing from him, and agreeing with me, upon that question;

but restrained, like me, from manifesting that difference of opinion, by the same obstacle which we alike respected.

Sir, I now come to the year 1812,—a critical æra in the history of the Catholic question: and one to which, as I must now advance in my narration by months instead of years, I entreat the particular attention of the House. In 1812, as in the preceding years of 1811, and 1810, I was out of office. In the beginning of that year the restrictions on the Regency were removed. I considered that removal as carrying away with it the obstacle which had so long impeded my free course on the Catholic question. I considered the unrestricted Regency as tantamount to a new reign. On that occasion, therefore, I imagined that the ministers, my former colleagues, whose opinions I knew to agree with mine on the Catholic question, would feel themselves unfettered for the discussion of it, whenever it might come before the House. Such was my own feeling. Such I knew to be that of lord Wellesley; who about this time resigned his situation in Mr. Perceval's administration, and was succeeded by lord Castlereagh as Secretary for Foreign Affairs.

On the first occasion, however, on which the Catholic question was brought forward,—both Mr. Perceval* and lord Castlereagh stated, that, however differing in opinion on the Catholic question, the ministers were, for the present, united as one man to resist the consideration of it.

Upon that occasion it was that I gave the first vote, that I ever gave, in favor of the Catholic question; and upon those statements of the ministers I founded a notice of a motion, the object of which was, to obtain a parliamentary declaration in favour of that consideration of the Catholic question, which the administration were united to resist.

While that motion was depending, Mr. Perceval died; and his death produced from the remaining part of the administration a proposal to me to come into office. The only question which I put on this occasion, to my noble friend (lord Liverpool) who was the bearer of this proposal to me, was, whether the administration continued in the same determination with respect to the Catholic question, which had been announced by Mr. Perceval and lord Castlereagh in debate a few weeks before; which determination was (I beg the House to recollect) *to resist* as one man the *consideration* of that question. I was answered that that determination continued unaltered; and I refused to come into office. Did I, by so refusing office, give any proof of subserviency to those vulgar inducements which the hon. baronet assumes to have so powerful an influence on every public man? Did I manifest a disposition to sacrifice my integrity to my interest, or, what would be less disgraceful perhaps, though disgraceful enough, to my ambition?

And yet, Sir, that refusal was not quite an ordinary effort. I had, at that moment a temptation to take office, more powerful perhaps than I have felt at any other period of my political life. There are circumstances which excuse, in generous minds, a strong desire for power: and such precisely were the circumstances under which office was now tendered to my acceptance. I had been secretary of state during the first years of the war in the Peninsula. I had been in a measure the author, and in this House the responsible defender, of that animating but difficult struggle. I had, therefore, gone through all the parliamentary contests which the disasters and reverses that attended the commencement of the Spanish war, called down upon the administration; I had borne the brunt of all the attacks, and buffeted all the storms, with which the opposition of that day had assailed us. Certainly, Sir, my opinions had never been altered, nor my hopes depressed, by the misfortunes of the early

* Extract from Mr. Perceval's speech, April 24, 1812. "At the same time, Sir, I must state that it is the unanimous opinion of all those with whom I am connected, that the present is not a moment in which any further concessions ought to be made to the Roman Catholics."

Extract from lord Castlereagh's speech the same night. "With respect to the vote I shall give to night, my right hon. friend (Mr. Perceval) has truly stated that the cabinet are unanimous in this opinion that the question of concession to the Catholics could not now be conveniently agitated, nor any enquiry gone into upon the subject of the legal disabilities of his majesty's Catholic subjects in Ireland, with the hope of coming to any ultimate and satisfactory arrangement."—See First Series of this work, Vol. xxii. pp. 956 & 1004.

campaigns in Spain. I had anticipated, even in the hour of the deepest gloom, a brighter and more fortunate period, when the gale of fortune would yet set in gloriously and prosperously for the great cause in which we were embarked. In 1812, the prospect had begun to clear, victory attached itself to our standard; and the cause which I had so long advocated under less auspicious circumstances, appeared to promise, even to less sanguine eyes, those brilliant results which ultimately crowned it. And, Sir, I desire to ask any man who hears me, and who has within him the heart of an English gentleman, animated by a just desire to serve his country, whether greater temptation to take office, could possibly be held out to any one, than was at that time held out to me,—at the very moment when I might have come in to reap the fruits of the harvest, which I had sown under the lowering atmosphere of distrust and discouragement, and the early and ungenial growth of which I had watched with such intense anxiety? At such a moment I was called to resume my station in the councils of my country: but the answer of the cabinet being what it was on the Catholic question, I declined the call. Was this to sacrifice my conscience and the Catholic cause to the love of office?

After these transactions,—that is to say, after this offer of office to me, and a simultaneous one to lord Wellesley and our refusal of these offers,—a motion was made in this House to address the throne for the formation of a more efficient administration. That motion was carried; and the negotiation for the purpose pointed out in the address, was confided to lord Wellesley and myself. On the day after this commission was received by lord Wellesley, lord Wellesley, with my concurrence, addressed to lord Grey,—and I, with lord Wellesley's concurrence, addressed to lord Liverpool,—a proposal for forming a combined administration. The basis upon which we proposed to form this administration was laid in two propositions; 1st. a vigorous prosecution of the war in Spain: 2nd. a fair *consideration* of the Catholic question. The object of this last proposition was manifestly and avowedly not to form a cabinet *united* in opinion upon the Catholic question, (for how could lord Liverpool and his friends be expected to make such a surrender of their opinions?) but to undo the bond by which the displaced administration had been united together *against* all *consideration* of the Catholic question. Our wish was to bring together in one comprehensive scheme, all the best talents of the country, in a crisis of unexampled difficulty; and at the same time to secure to the Catholic question the advantage of a free discussion in parliament.

What does this statement prove? Why it proves that my course on that occasion, was consistent with my practice now; that as, on the one hand, I had refused to make part of an administration combined *against* the Catholic question,—so, on the other, I did *not* think it necessary or wise to proscribe every man whose opinion differed from mine on that single question, while on other questions, touching the safety and interests of the country, we agreed. The notion may be absurd,—the error in judgment may be gross and unpardonable; but I did think then, as I think now, that an administration might be formed on a basis—quite distinct from that of the recognition of the Catholic question, as a cabinet measure, and as the single paramount necessity of the state;—that an administration, I say, might be well, and rightly, and usefully, and honestly formed, of which the members differed conscientiously from each other on that question, and that such an administration might yet have the means of rendering great service to the country.

Here again, what becomes of the reproach that for the sake of office I gave up that question? On this occasion I was not a candidate for office: I was employed to offer it to others. I was concerned in forming an administration, not seeking an appointment in or under one: and it was under such circumstances,—that I was prepared and desirous to act with colleagues of my own selection, on the very basis on which the present administration stands.

It is therefore in the highest degree disingenuous to pretend that by my refusal to accept office after Mr. Perceval's death, I implicitly pledged myself never to belong to any cabinet which was not determined to carry the Catholic question. If on the 17th of May, (the time of the offer and refusal of office) I refused to come into an administration *united against* the Catholic question, and if by that refusal I meant to say, "I will never enter office except with an administration *created to carry* this question,"—what madness was it in me, within a short fortnight

afterwards,—when I had the power in my own hands,—to endeavour to form a mixed administration? The accusation merely requires to be stated to refute itself.

I must again and again apologise to the House for these dull details: but it is due to truth, and to my own character, once for all to develope these particulars. And of one thing the House may rest confidently assured—that it is the last time that I will condescend to such a justification.

To return to the year 1812. The attempt to form a mixed administration failed,—but it failed on quite other grounds than those of a want of unanimity of sentiment upon the Catholic question. It broke off on other difficulties which it would not be to the present purpose to detail. And after some fruitless negotiations, to which I was no party—the displaced administration was restored.

These, Sir, are the circumstances which preceded my motion on the Catholic question, of which notice had been given by me (as I have said) before the death of Mr. Perceval. A few days before my motion came on, the bond of union which had existed in Mr. Perceval's cabinet, and which continued after his death, against the consideration of the Catholic question* was—I know not (of my own knowledge) from what motives or upon what suggestion, removed. An opportunity was taken by lord Castlereagh, who had succeeded to Mr. Perceval's situation in this House, to announce that the administration was no longer, as heretofore, *united against* the measure; but that the members of it were at liberty to take each their own course; pledging their honour not to exercise the influence of the government either way, in support of their particular views of the subject. Sir, was this nothing? This important change does not now indeed obtain the approbation of the hon. gentlemen opposite. But Mr. Grattan, the great advocate of the Catholics, thought differently. I well recollect, Sir, how he felt the change thus announced; I well recollect how cordially he and I congratulated each other, on the breaking down of one great bar, at least, which opposed our common wishes.

It was under these new and auspicious circumstances that my motion was discussed, I think on the 22nd of June 1812. That motion brought into play for the first time the individual opinions of the members of the cabinet;—it brought forward lord Castlereagh as one of the most efficient supporters of the Catholic question; and my motion was carried by a majority—which, would to God! I could see again—by a majority of 129.* This, Sir, is what I did,—this is the service which it was my fortune to render to the Catholic cause in the House of Commons—this was the first, and it is as yet the greatest triumph that ever crowned that cause. The same motion was shortly after brought forward in the House of Peers, by lord Wellesley;—when the numbers were 125 for it, and 126 against it; the motion being thus lost by a majority of only one. These were the services of individuals whom the Catholic Association deem themselves entitled to consider as enemies to the Catholic cause;—and in comparison with whom the hon. gentlemen opposite think that they are entitled to claim all merit to themselves! These were the halcyon days of the Ca-

*June 10, 1812. Mr. Spencer Stanhope wished to know if it was intended on the part of the present ministers, that the same policy in every respect, should be observed by them in reference to the Catholic question, which had been observed by the administration under the conduct of a late right hon. gentleman?

Lord Castlereagh said in answer, That upon a former occasion, they had thought, inclusive even of those who had been favourable to the measure, that the present was not the time for discussing that question: * * * but that it had been resolved upon as a principle, that the discussion of this question should be left free from all influence on the part of the government, and that every member of that government should be left to the free and unbiassed suggestions of his own conscientious discretion. [See First Series, Vol. xxii. pp. 394 and 395.]

* "Resolved, That this House will, early in the next Session of Parliament, take into its most serious consideration the state of the laws affecting His Majesty's Roman Catholic Subjects in Great Britain and Ireland: with a view to such a final and conciliating adjustment as may be conducive to the peace and strength of the United Kingdom; *to the stability of the Protestant Establishment;* and to the general satisfaction and concord of all classes of His Majesty's subjects," Ayes 235, Noes 106. Majority in favour of the Resolution 129.

tholic question, and happy should I be if there were any near prospect of the like again!

From the time I have spoken of, in 1812, the cabinet went on acting upon the same principle with respect to this question,—the principle of treating it as a question, out of the ordinary course of ministerial business; as one to be argued upon its own merits, such as they might appear to each individual member of the administration. That principle was to me perfectly satisfactory: and from the moment that this change in the system of the administration had taken place, I thought myself perfectly at liberty, so far as the Catholic question was concerned, to join them. I did not join them indeed: but we co-operated cordially in parliament; and in the following year, 1813, a bill was brought in by Mr. Grattan, (in pursuance of my resolution of 1812) which bill lord Castlereagh most ardently supported; and which but for our own misjudgment, might, and to all appearance would, have passed this House. It had passed through the second reading with a considerable majority. The clause conceding seats in parliament, was lost in the committee by a majority of only four; upon which the bill was most unwisely abandoned.

Let me, then, be allowed again to ask, Sir, why, when the principle of a mixed cabinet has been acted upon for five and twenty years, in respect to the Catholic question,—why is the *present* Cabinet to be alone arraigned for a vice which it shares with so many of its predecessors? And why am I to be held personally liable to responsibility for a system in which I have no more personal concern than any other member of the several cabinets since the Union? I think I can throw some light on the motives for this last selection.

Sir, the speech of a right hon. gentleman opposite (Mr. Tierney) to whom I am already indebted for a valuable support in part of my argument, will aid me on this point also. The language which he used on Friday has been uniformly my language. The right hon. gentleman told us that he supported the Catholic question,—not for the sake of the Catholics alone, but for the sake of the state;—not with the feelings of a party man advocating a party question,—not as a boon to a single class, but as a benefit to the universal and comprehensive whole. Such, Sir, has always been my course. I have always acted, in respect to this question, on my own judgment; not on that of the parties more immediately concerned. I have scrupulously abstained from communication with the Catholic leaders. Why? Because, while anxious to forward their legitimate object, I have nevertheless seen in their acts and proceedings much to disapprove. In 1813, what was their conduct in respect to the bill which had so nearly obtained the sanction of the House of Commons? Was it not scouted by them, reviled, disdainfully abjured, and almost threatened to be rejected if parliament should pass it into a law?

Sir, I have always refused to act in obedience to the dictates of the Catholic leaders; I would never put myself into their hands:—and I never will. My doctrine has always been that when any set of men, Catholics or Protestants, have a grievance to complain of, for the relief of which they resort to parliament, it is for parliament, and parliament alone, to consider their case, and to decide what relief shall be extended to them: it is for the petitioners to receive that measure of relief with thankfulness and submission. I have always denied to such parties the privilege of stipulating and meting out for themselves the measure of relief with which they would be satisfied; and of dictating to parliament the terms on which their claims should be adjusted. This unpalatable doctrine both in and out of office I have maintained. Events have confirmed, and continue to confirm, to my mind, the propriety of the line which I have taken. Much as I have wished to serve the Catholic cause, I have seen that the service of the Catholic leaders is no easy service. They are hard task-masters: and the advocate who would satisfy them must deliver himself up to them bound hand and foot. What need of further proof of this than is afforded by their recent discussions about their oldest and steadiest friend, the earl of Donoughmore?

Again, Sir, I feel that many apologies are due to the House, for thus trespassing on their patience in vindication of my character and motives from imputations, of which, if I know any thing of my nature, I have some right to complain. But to be taunted with want of feeling for the Catholics, to be accused of compromising their interests, conscious as I am,—as I cannot but be,—of being entitled to their gratitude for a long course of active

services, and for the sacrifice to their cause of interests of my own,—this is a sort of treatment, which would rouse even tameness itself to assert its honour, and vindicate its claims.

I have shewn that in the year 1812, I refused office rather than enter into an administration pledged against the Catholic question. I did this at a time when office would have been dearer to me than at any other period of my political life; when I would have given ten years of life for two years of office; not for any sordid or selfish purpose of personal aggrandisement, but for far other and higher views. But, is this the only sacrifice which I have made to the Catholic cause? The House will perhaps bear with me a little longer (as it has already borne with me so long) while I answer this question by another fact.

From the earliest dawn of my public life,—aye, from the first visions of youthful ambition,—that ambition had been directed to one object above all others. Before that object all others vanished into comparative insignificance; it was desirable to me beyond all the blandishments of power, beyond all the rewards and favours of the Crown. That object was to represent, in this House, the University in which I was educated. I had a fair chance of accomplishing this object, when the Catholic question crossed my way. I was warned, fairly and kindly warned, that my adoption of that cause would blast my prospect—I adhered to the Catholic cause, and forfeited all my long cherished hopes and expectations. And yet I am told that I have made no sacrifice! that I have postponed the cause of the Catholics to views and interests of my own!—Sir, the representation of the University has fallen into worthier hands. I rejoice with my right hon. friend near me (Mr. Peel), in the high honour which he has obtained. Long may he enjoy the distinction; and long may it prove a source of reciprocal pride, to our parent University and to himself! Never till this hour have I stated, either in public or in private, the extent of this irretrievable sacrifice: but I have not felt it the less deeply. It is past, and I shall speak of it no more.

Sir, by the exposition with which I have presumed to trouble you, I am not vain enough to suppose that I shall make proselytes of my political opponents. All that I have desired is to lay before the House the grounds of my conduct on this question, and to explain step by step my actions and the motives which led to them. I am conscious of the truth of every syllable that I have stated. The impression which may have been made by that statement is not indifferent to me: but be it what it may, I shall never revert to the subject again.

I trust, then, Sir, that I have now disposed fairly of the last two points which I felt myself called upon to discuss. I have shown that the cabinet is as good now for the purpose of the Catholic question, as it has ever been during the last twenty-five years; and better than at some periods during those twenty-five years, when the ministers, however differing in opinion, were leagued together to resist the consideration of the Catholic claims.

But I have still a few words to add, and they shall be as few as possible, of myself. Sir, it has been imputed to me individually,—with far too flattering an estimate of my importance,—that I have at this moment the means and the opportunity of carrying the Catholic question. I do not exactly know by what process it is pretended that I can accomplish this great object. If it is meant that by resigning my office, I could then, unshackled, and acting as an individual member of this House, bring the question again unreservedly before you, I answer, that whilst in the government as well as out of it, I retain the power of taking such a part. But if it is meant, that after going on so long with my colleagues in the cabinet, upon the principle of free action, respecting this question, I ought now to demand the formation of a new compact,—that is a course, Sir, which I should disdain to take: I would ten thousand times rather quit office, than turn round upon the administration, of which I am a member, and insist upon changing the footing upon which I entered it. But again, Sir, I declare that in office as well as out, I am at perfect liberty to moot this question whenever a sense of duty impels me to do so. Whether I shall do so while in office,—whether I should do so if out of office,—and when, in either case, the fit time for doing so may appear to be come,—are points which I reserve, for the decision of my own unfettered judgment. I hold it to be a question in which the vote and speech of no man ought to be irrevocably promised before-hand for any

specific time. It is a question to be deliberately weighed, and to be pressed or not, according to the operation of circumstances calculated to promote its success. When time and circumstances combine, I shall act for myself; but I will not be precipitated into any course of action, either by taunts on the one hand, or by compliments on the other. Coarse imputations, therefore, or flattering appeals, will equally be employed in vain: I will hold the reins for my own guidance, and will not be driven from the course which I have resolved to pursue.

The hon. gentleman who opened the debate on the other side of the House, on the first day of this lengthened discussion (Mr. John Smith), was pleased to ask of me in terms of great civility and kindness, whether I do not love popularity. Sir, I am not insensible to the good opinion of honourable men, such as him who put to me this question. I am not insensible to the good will of an enlightened community. The man who disregards it, is not worthy to hold a high official station in a country which boasts a popular constitution. I have encountered too many of the vicissitudes of public life not to know how to meet censures which I am conscious I do not deserve. On the other hand, I desire to retain popularity, but I would hold it honourably or not at all. "*Laudo manentem*;" or—to use the more beautiful paraphrase of Dryden;—

"I can applaud her,—while she's kind;—
But when she dances in the wind,
And shakes her wings and will not stay,—
I puff the prostitute away."

Yes Sir, I love, I covet, I enjoy popularity; but I will not court it by the surrender of my conscientious judgment, or by the sacrifice of my settled opinions. But, Sir, I do not believe that any popularity which I may have the good fortune to enjoy, is put to hazard by my support of the bill now before us.

If the hon. and learned gentleman opposite (Mr. Brougham), who on the first night of the session so gallantly identified himself with the Catholic Association, thinks that he has thereby gained the palm of popularity which I am losing, let me tell him that I cannot congratulate him on the fancied acquisition: on the contrary, I believe mine to be eventually the surer road. I do not mean to speak lightly of the hon. and learned gentleman's support of this question, or of the consequences attending it. I do not under-value the services of such an advocate in any cause which he thinks fit to espouse:—I acknowledge freely his great talents and acquirements, his accumulated knowledge, and the prodigious power with which he brings all those qualities into action. I acknowledge them the more freely, because it has been often our fortune to be opposed to each other;

———"Stetimus tela aspera contrà
Contulimusque manus: experto credite, quantus
In clypeum assurgat, quo turbine torqueat hastam."

But, valuable as these qualifications must at all times render him as an advocate to those whose cause he undertakes, he may still experience disappointment in the quarter where he expects to find his chief reward; and may discover that he has mistaken the road, not only to the general approbation of the country, but even to the good graces of those whom he most immediately aims at pleasing. Differing, however, totally as I do from the hon. and learned gentleman in the estimation in which he holds the Catholic Association,—I must, for the sake of the Catholic question itself, and in order to retain the power of serving it, take my firm stand in support of the present bill.

Having always viewed the question of Catholic concession, not simply as it affected those whom it went to relieve, but with reference to the interest, happiness and security of the whole country;—being persuaded that to make its beneficial effects thus extensive, we must carry the country with us;—believing that there is, in England, a great inert mass of opposition to the Catholic question, which can only be worn down by degrees, and which must be dealt with gently and considerately;—that nothing would be more calculated to embody and confirm an obstinate resistance, than any apprehension on the part of the mass of the people of England, that the government was leagued together for the express purpose of carrying that question;—and that an administration formed for the specific and avowed purpose of carrying it, would not only fail in that object, but would light up a flame throughout this country, which it would be most difficult indeed to quench;—I still hope and trust that the question will ultimately succeed. If it succeeds it will be through discussions in parliament leading to favourable decisions: such decisions must ultimately operate upon the administration: which, however composed,

cannot but feel itself bound to carry the decisions of parliament into effect.

I do not despair of this result, if we proceed with sobriety and circumspection. But I doubt whether we can accomplish every thing at a single blow. I have already reminded the House, that in 1813 we might have carried a bill containing every thing but seats in parliament, but we threw it up in a pet. I have never ceased to regret that hasty determination.

" Ex illo fluere, ac retro sublapsa referri
Spes Danaüm."—

From that moment the Catholic question began to lose ground. But, Sir, the lost ground may yet be recovered. With a view to that recovery, I have already said, we must quiet, in this country, the apprehensions entertained for the safety of the Protestant Church Establishment. With a view to that recovery, we must put down, in Ireland, faction, of whatever description; we must put down all unconstitutional Associations: but foremost this Catholic Association for which alone a stand has been made.—I conjure the House, therefore, to entertain and to pass this bill:—first, for the suppression of an Association of which no government, worthy the name of a government, could tolerate the existence; and, secondly, for the advancement of the great question to which that Association has endeavoured to ally itself,—an alliance of which the Catholic question must be disencumbered, before it can have fair play.

Mr. *Brougham* spoke to the following effect:—I can assure the House, that in rising at the close of this long and protracted debate—not protracted, however, a moment beyond what the vast importance of the subject required—and after the splendid eloquence which has been displayed on the question before us, I feel the necessity of compressing my remarks into as short a space as possible; and the more so, as I have for some days been so busily engaged elsewhere, that I am by no means disposed to make any exertion greater than that which the due discharge of my duty in this House demands. It is my intention, therefore, to grapple at once with the main bearings of the question; to strip it of every thing extraneous; to decline all those advantages resulting from the introduction of incidental subjects, of which my predecessors have so freely availed themselves; and, above all, to refrain from any of those personal topics with which, I thank God, I have no reason to mix myself on Irish affairs, never having stood in any situation which has implicated me in them. Sir, having made this determination, I know how unfavourably to myself I address you, after you have been listening to the right hon. gentleman who has just sat down; whom I am so far from blaming for the personal statements which he introduced into his speech, that I hold he could not have avoided entering into them. With whatever success the right hon. gentleman may have defended his consistency—although it is probable that I and a large portion of the House, should entertain a different opinion on that point from the right hon. gentleman himself—it is impossible for me to blame him for making the attempt. But it has this unpleasant consequence with reference to myself—that whereas the right hon. gentleman entertained the House with those personal anecdotes which are well known to chain their attention more than any other description of address; I mean on the other hand, to avoid all personal remark, and to confine myself strictly to a consideration of the measure before us. With respect to that measure, I hope I do not arrogate too much when I say, that, ably as the question has been discussed, vast as have been the powers exhibited by several of my hon. friends around me, something still remains to be done, because they have indulged in observations which have had chiefly in view the Catholic question; and which, therefore, have led them off from the Catholic Association. But I, Sir, am the defender of the Catholic Association; I am the advocate of the right of the Irish people to meet, to consider, to plan, to petition, to remonstrate, to demand: and my frank opinion is—an opinion which I set out with avowing, and which, I trust, will reach the whole of Ireland as well as the whole of England—that the more energetic their remonstrance, provided that it be peaceable—the stronger the language they use, provided it be respectful—the more firm their port—the more lofty their demeanour—the more conformable it will be to the high interests of those who have all at stake—which can render life desirable, or existence honourable; and infinitely more likely to succeed than any abject course, which would imply self-distrust, or self-conviction of error. I trust, Sir, that, after this open declaration. I shall not be

charged with blinking the real merits of the question, not accused of courting a base and fleeting popularity, the value of which I know as well as the right hon. gentleman. Such popularity I as well know how to give to the wind as the right hon. gentleman does. The cause which I have undertaken to-night, I would abandon to-morrow, if I thought my duty to the House, to Ireland, or to the empire, required the sacrifice. By no such mean motive as a love of popular favour am I actuated, but by the more sacred incentive of attachment to that cause of which I avow myself the advocate, and to which I am now about to do my duty, as, I trust, I should to any other client, if menaced with the danger of an oppressive law, sanctioned by the majority of this House.

What, Sir, are the charges that have been brought against the Catholic Association? The first is, that they have been the source of great and dangerous discontent and disunion in Ireland; that, to use the figure of his hon. friend, the member for Hertfordshire, in his able and eloquent, but not very wise or very consistent oration, the Association have been not the safety-valve of that overheated piece of machinery, the state of society in Ireland, but the furnace which has increased the dangerous pressure. Sir, it has been, on the contrary, the combustible materials which have been heaped up by the various persons who have in succession contributed to the misrule of Ireland, which have caused the accumulation of the dangerous vapour. That they have exaggerated the discontents of Ireland is, however, the first charge preferred against the Catholic Association. But, what are the overt acts by which it is attempted to be established? And this brings me to the charge of the right hon. Secretary for Ireland, reiterated by all who have spoken on that side of the question, of an improper interference, on the part of the Association, with the administration of justice in Ireland. But, Sir, what was the issue of that interference. Two prosecutions have been specified. In one of them the judge, on the acquittal of the prisoner, declared that the prosecution had been properly and temperately conducted. In the other case, an acquittal also took place. Now, the argument against the Association is, that they have not left the law to take its course, but that they have endeavoured to overwhelm persons on trial by previous declarations of their guilt, and by the purse which they derived from the Catholic rent. But, what was the result? That all the weight of their money, that all the impression made by a previous declaration of the guilt of the two individuals accused, ended in their easy and certain acquittal. "But then," say the hon. member for Hertfordshire, and other hon. gentlemen, "it might have been otherwise." Now mark, Sir, the subtility—"It might have been otherwise!"—it might have been that the Catholic Association were constituted and actuated, as had been described by the advocates of this measure: they might have interfered in that spirit of vindictive and implacable enmity which had been ascribed to them, and the result of their efforts "might have turned out otherwise" than in fact it did. My answer to this suggestion must be made in something like the terms in which the proposition is put. Had it been otherwise, my opinion of the Association and of this measure might in that case have been different from what it is. If, instead of an acquittal, the character of the prisoner had been wrecked by a verdict—if the storm which blew harmlessly upon him, because the law found him innocent, had overwhelmed him, and he had sunk in the waves of persecution—then, I should have conjectured that the existence of the Association was not so safe—that its proceedings were not likely to contribute to the welfare and advantage of the Catholic population [hear, hear!]. A word or two more on the two cases which have been thus culled by the Irish office. Those cases have been grossly mis-stated by the right hon. Secretary for Ireland. I do not mean to say that he has wilfully misrepresented them, but that he has been misinformed—that his advisers and collectors of facts have poisoned his ready ear on the subject. We are called upon to vote the destruction of the liberties of the people of Ireland on the mere statement of the right hon. gentleman, without any papers having been laid on the table—without any previous inquiry by a committee,—nay, without one odious solitary green bag, but solely and exclusively on the ground of confidence in the right hon. gentleman's statement. And yet I can show that statement to be so utterly unfounded, that I should like to see the man, who, after the exposition which I am about to enter into, would ever again place the slightest confidence in the right hon.

gentleman's facts. Sir, in the first of those cases the right hon. gentleman told us, that a bench of forty-three magistrates, at the head of whom was Mr. Blackburn, unanimously and immediately acquitted the man; and that with the same alacrity they declared that there was not a shadow of proof of his guilt. Sir, I have read an account of the trial, and I there find, that the magistrates were two hours and a half in close deliberation before they acquitted the prisoner; and that a considerable minority refused to vote for the declaration, that there was no foundation for the charge. I have also read the defence, and the cross-examination of the witnesses. There was a surprise on the prosecution. Some of the principal witnesses stated on the trial what they had not previously stated; and it was probably this circumstance which occasioned the long deliberation of the magistrates, and prevented so large a portion of them from concurring in the vote, that there was no foundation for the charge. The other case was still more extraordinary. I have recently had the honour of seeing and conversing with the leading counsel in the prosecution for the murder of a man at Ballybeg. The statement of the Irish office was, that the prisoner, or rather the prisoners (for there were two of them) were beyond all doubt, innocent, that the proceedings against them were utterly groundless from the very beginning; and that there was not the slightest shadow of pretence for putting them on their trial. It was asserted, that the greatest discrepancy appeared in the testimony; for, that while some of the witnesses swore to the murdered man's ribs, spine, &c. being broken, the surgeons declared that there were no marks of such violence on the body; and that all the other parts of the case were grossly perverted. Now, Sir, the fact is this. The men were put upon their trial under circumstances of grave suspicion. One of those circumstances was, that on the murdered person's receiving the fatal blow, one of the prisoners rushed forward, seized a man who had nothing to do with the transaction, kept him four and twenty hours in custody, and then liberated him. Another strong circumstance was, that one of the prisoners brought bread and wine to the murdered man; and officiously offered them to him, when he was as dead as a stone. These were certainly circumstances pregnant with suspicion, and would have been so considered at any similar trial in this country. And, how was it that the prisoners were acquitted? In consequence of the evidence of a witness, who, although previously examined before the coroner and the magistrates, had never given such evidence before, and who swore on the trial, that the murderer was another man, larger in size than either of the prisoners, and dressed differently from them. And who was this witness? The servant of a brother of one of the prisoners. It was very natural to ask such a witness on his cross-examination, why he had not given this evidence before the coroner or the magistrates;—why he had reserved it for the trial? The judge who presided at the trial refused, however, to allow that question to be put to the witness [cries of hear, hear!]. Sir, I speak in the presence of many members of the same profession as myself—men who have, almost as often as they have hairs on their heads, defended prisoners as well as conducted prosecutions, and I leave it to any one of them, in the face of this House, to defend the conduct of that judge.

Sir, we have had the name of Mr. Blackburn stated to us in cases in which he presided; we have had the name of Mr. Justice Moore stated to us in cases in which he presided; but, by some extraordinary omission, the name of the learned judge who presided on the occasion to which I have just adverted, has never been stated. In fairness, therefore, I will name him, though I will omit the character given of him by an hon. member of this House, whom I now see in his place, and who compared him to two animals, because he had the ferocity of one, and the baseness of the other. Sir, that learned judge was Mr. Baron M'Clelland. It was he who tried the cause, and who refused to allow the question that I have described to be put. Not only, Sir, am I not satisfied with the acquittal of these prisoners, but I have formed the most positive opinion, founded on a statement in an Orange newspaper, that they may think themselves very lucky in their escape. Sir, under the same learned judge, a person was defended by a counsel employed by the Catholic Association, with the aid of the purse of which the Catholic body had possessed them. That counsel was on the civil side of the Court when the trial was called on, by the direction of Mr.

Baron M'Clelland. The officer who was sent for him, met with some obstruction in his way. Mr. Baron M'Clelland was told of these circumstances, and was intreated to postpone the trial for a short time, and not to put the prisoner on his defence without the presence of his professional defender. He refused. The trial of the prisoner was commenced in the absence of his counsel. When the counsel entered the court, the first witness had just left the table. The counsel begged that he might be recalled for the purpose of being cross-examined; but the same judge who had in the other case refused the question to be put to a witness, also refused in this case to allow the witness to be recalled for cross-examination; and the prisoner was convicted of a misdemeanour, and sentenced to two months' imprisonment. After this, Sir, shall I be told that justice is administered in Ireland with the same undeviating rectitude, with the same freedom from all partiality, with the same propriety and temper, which distinguish the courts of justice in England? I was very glad to hear the two hon. and learned friends, (Mr. North and Mr. Doherty), who conjointly lauded the administration of justice in Ireland; I was very glad to hear these hon. and learned gentlemen, the Pylades and Orestes of the Irish bar, both singing their eulogies in the same Mœlibean strains—

——Arcades ambo,
Et cantare pares et respondere parati."

And I should have been still more glad, if I had not recollected the sad answer which they were compelling me, however reluctantly, to prepare for them on that point. One of those hon. and learned gentlemen said, the other night, that the courts of justice in Ireland were equally open to all. I remember, and the House must remember, the reply which a very able man, Mr. Horne Tooke, made to a similar observation with respect to the courts of justice in England—"So is the London Tavern." There is this difference, however, between the courts of justice in England, and the courts of justice in Ireland. Here the courts of law are equally open to all who can pay, like the London Tavern. But, at the tavern, at the bar of which law is dispensed in Ireland, the poor suitor is dealt with much more harshly than the poor man would be in Bishopsgate-street. For, in the latter, the poor man, if he have money, may procure the same article as the rich man. But in Ireland, we have been told by one of the keepers of the taverns at which law is to be had, I know not under what particular sign, whether the Weathercock, or the Rock, or the Bottomless Pitt, that there is one law for the rich, and another for the poor. The poor man cannot get any justice at all; or if he do, it is of a kind very different from that which the rich obtain. Such is the opinion of my lord Redesdale, who, while he was lord chancellor of Ireland, must have seen something of judges, prosecutions, and verdicts. It is certainly, therefore, most provoking and most humiliating, that a large portion of his majesty's subjects are to be told, that they must not have recourse to the only means of obtaining justice, that of inducing the strong to defend the weak, or of uniting to defend themselves.

But, it is said, that the Catholic Association is no better than the Bridge-street gang. That gang was the infamous job of a few pettifogging attorneys. It expired because the jobbing was overdone. It existed in a country in which, thank God! the administration of justice is pure and unspotted. The case is very different in a country in which the people are divided by religion—a country in which the strong lord it over the weak, and where the Catholic has no chance of justice if he come single and unaided into court. Now, Sir, to the other charges which have been brought against this much calumniated body. And first, I pray the House to look at the contradictory forms which these charges assume. First, the Association is charged with impudence, in consequence of the openness of their conduct: they are accused of meeting in the face of day, and of giving all possible publicity to their debates and proceedings. If, in order to avoid the imputation of impudence, they had skulked in secret, would not that have been turned against them? Should we not have been told, that honest innocence always courted openness and publicity, but that this skulking in holes and corners was a proof of the consciousness of guilt? But then, it seems, they have aped the forms of this House. If they had introduced any other forms, should we not have been told that it was a daring novelty? Nor is it surprising, that they who represent six millions of people should imitate the forms of a House which represents a number perhaps not so

extensive. That is the second charge. The third charge is, that they are not elected, but self-constituted; that they are self-adjourned and self-convoked. If, however, they had been elected by others, that would have been called illegal. How unfairly is the Association treated, if they act openly, they are called impudent; if in secret, illegal. If they imitate our forms, they are assuming; if they introduce other forms, they are innovators. If they elect themselves, they are self-constituted. If they are elected by others, they subject themselves to the Convention act, and are prosecuted. So it is, too, with respect to their speeches. If bold, they are charged with rebellion; if quiet, with design. If they blame, it is said they are vituperative; if they praise, they are hypocritical. Nothing they can do, nothing they can say, escapes censure. The most extraordinary charge is, that which has been advanced by some hon. gentlemen, who say, that they would not care for the bluster, impetuosity, and violence of faction, but what they most dread is, the dead quiet and uninterrupted stillness prevailing in Ireland. This they consider more fatal than the period of 1782, when the volunteers assembled that of 1793, when the Jacobins assembled—or that of 1798, when the standard of rebellion was hoisted in the country. The more quiet, it seems, the more danger. Every one remembers the line—

"My wound is great because it is so small;"

as well as the addition which a wit made to it—

'Then 'twould be greater were it none at all."

Of a similar character is the apprehension that some persons entertain, founded on the existing tranquillity of Ireland. The fact, Sir, is, that to that tranquillity the Catholic Association have mainly contributed. They are the virtual representatives of the people of Ireland—not in the dangerous sense of the term; not in the sense of control or power; but because they agree in opinion with the people of Ireland; have a sympathy with their wrongs, a fellow-feeling for their sufferings. Recollect, Sir, that the Association now consists of three thousand members, men the most respectable for their rank, their talents, and their integrity. That is the origin of their influence; that is the secret of their power. Do you dread that influence? Are you afraid of that power? I will tell you how you may get rid of them in an hour. Follow my advice, and to-morrow the Catholic Association will have neither power nor existence, and will be nothing but a name, remembered with gratitude for the services which it has rendered to its country. But do not take my advice, attend to what has been stated to you by his majesty's Attorney-general; he is especially appointed by his sovereign to keep watch and ward in that country. His duty it is to attend to every incautious act, to watch over every innovation of speech, which may take place in the Catholic Association, or any other public assembly. Take, I say, the advice of the Attorney-general, and at once remove the grievances under which the Roman Catholics labour; shew them that you are at length determined to do them justice; let them see that, though late, you are earnest in your intention to remove their disabilities. Do this, and you will at once and for ever annihilate the Catholic Association, and Ireland will bless and thank you, even for this tardy justice. But, if you begin at the wrong end, you will only forge fetters for that unhappy country.

We have been told, that certain violent speeches have been made in the Catholic Association; it has been said, that certain expressions have been used, which have been commented and played upon and attacked on the one hand, but still more ingeniously defended on the other. I am not here to defend any peculiar expressions used by that body; neither is it my intention to special plead, or explain them away; but I do say, and I say it fearlessly, that to no one expression that I have heard can there be attached any unchristian, any illegal meaning. Nay, I will even go a step further, and say, that considering the situation in which the members of that body were placed; recollecting that the legislature said to them, "We allow you to select from either House of parliament who are to be your advocates, but you cannot have one who possesses your entire confidence, inasmuch as you cannot have for your advocate a member of your own religion;"—when I recollect that that body is so treated, and when I know that years would scarcely suffice to tell the heads of the injuries under which they have been labouring, am I to be told that they are to be at once condemned, because, in a manifesto which all must admire, but the lovers of peace beyond all others, there occurred the phrase—"We conjure you, by the hatred you

bear to Orangemen, to be at peace?" If they had commenced their address to the Catholic people by saying, "We command you, by the love you bear your Orange brethren, to be at peace,"—then we should have been told, that it was a piece of hypocrisy on the part of the Association; and I must confess, that in that case, I, for one, should have turned from the document with disgust [cheers]. I know, Sir, that it is not the part of a christian to hate any man; but, if ever there was an occasion which justified a set of persons in hating and execrating another set, that occasion presents itself in the case of the Roman Catholics of Ireland. It has occurred in the case of the oppressed Catholic against the Orange oppressor; and more particularly so at a time, when they are to be put down by Orange violence and Orange tyranny, exercised against the great bulk of the people. We have been told, that Mr. O'Connell has made use of strong language in the course of the discussions which took place in the Catholic Association. I do not deny that he has done so; but let me ask, Sir, what would be our case, and where should we be, senators though we be, and clothed as we are—with all the solemnity of a legislative assembly, if we were to be told from another quarter, that we were a turbulent and disorderly body; that we set a bad example to all other states? What should we think of such a denunciation? And yet I have heard in this House—aye, and even in the course of this night—language stronger, aye, a thousand-fold stronger, than any thing which ever came from the Catholic Association. An hon. friend of his (Mr. Grenfell) had, in the course of his speech, made use of an expression which, in the language of the lovers of strong liquor, would be called stout. That hon. gentleman, if I recollect right, said, in the course of his address, "If the Catholics should resist oppressions which were no longer bearable, and if I were on my death bed, I should pray to God that they might be successful" [hear, hear!]. Sir, I only allude to this expression of the hon. member, for the purpose of shewing, that when people feel warmly upon any subject, they indulge in a greater latitude of speech than usual—and I will boldly say, that no member of the Catholic Association ever ventured one thousandth part so far as my hon. friend did upon this occasion [hear, hear!]. But, my hon. friend is not the only member I can point out, as having, in the heat of debate, used what elsewhere would be called strong language. I well remember that the right hon. Attorney-general for Ireland, who was remarkable for his great zeal, for the force and power of his arguments, and for the admirable propriety with which he suited his expressions to his ideas and feelings, and in whom therefore a strong or hasty expression was not so excusable as in others—I remember, I say, when that right hon. gentleman, in one of the most eloquent speeches which it has fallen to my lot to read (a speech made upon a most important occasion in Ireland, but not more important than is the present question to the Roman Catholics), used the following words, when speaking of the Union: "I warn the ministers of this country against persevering in the present system; let them not proceed to offer further violence to the settled principles, or to shake the settled loyalty of this country. Let them not persist in the wicked and desperate doctrine, which places British connection in contradiction to Irish prudence. I revere them both; for myself, I have no hesitation in saying, that if the wanton ambition of a minister should assault the freedom of Ireland, and compel me to the alternative between it and British connection, I would fling that connection to the winds, and I would clasp the independence of my country to my heart" [cheers!]. I pray to God, Sir, that the right hon. and learned gentleman may never be called upon to redeem his pledge. The words here used are elegant and expressive, but they are strong; they were used by an honest man, a good Irishman, and a true patriot; but, Sir, they were not used without some risk; he was on the very verge; and while I feel that, as an honest man, he would, if necessary, redeem that pledge, I cannot help reflecting, that in doing so he would become a rebel to England [hear, hear!]. While such was the language of the right hon. and learned gentleman upon an occasion of emergency, the Catholic Association, who were enslaved, degraded, and oppressed, were expected to clothe their sentiments in expressions of love, and kindness, and forbearance. And this, too, towards a set of men who acted upon the devilish principle of retaining the shadow of the wrong, after the substance of it had been overcome; and this only

for purposes of irritation and insult, and in order to keep in the minds of the oppressed a recollection of their degradation.

Again, we have been told, that the Catholic Association collect rent; and it was added, in order to make the matter appear worse, that they had the audacity to collect a revenue; an expression which was loudly cheered by the other side of the House. Why, Sir, supposing money to be necessary to their objects, how else were they to get it? Levy and rent were hard words; particularly when it was known that the subscription was voluntary; it amounted to 1*d.* per month, or a shilling a year, if the poor man could afford it; if not to 6*d.* a year, and in many cases to nothing at all. But, Sir, I find that this levy, or rent, or free contribution —call it which you will, is not peculiar to Ireland. I hope the House will not feel alarmed at my producing a book, for I assure them, it is not my intention to read more than a few words of it; but I find by this little book, which contains minutes of a conference of English Methodists, a great and respectable body, of whom I shall say nothing that is not to their praise; a set of persons whose cause I have before defended, and whom I shall always be ready to defend, if necessary; I find that that body are in the same situation with the Catholic Association, with, perhaps, some few shades of aggravation. For I find that that body, consisting not of 3,000, but of 500,000 persons, opposed, too, to the Established church, collects its rent, without exciting the slightest alarm in the mind of the right hon. member for Oxford—nay, the hon. member for Dover (Mr. Butterworth) is prepared to state, that there exists not the slightest similarity between the two bodies. I find Sir, first, that there is a Mr. Kershaw who acts as secretary. I feel it is a tender subject, but I must state it—who acts, I say, as secretary to the committee of privileges [hear, hear! and a laugh]! I see the hon. member for Dover sitting uneasy on his seat at the mention of this subject; he already imagines the committee and its privileges altogether at an end. I shall only quote such parts of this book as allow of a strict comparison between the body of Methodists and the Catholic Association. When we are told, Sir, that the Catholic Association collected rent, and that returns of the different collections were to be made by a certain day, certain gentlemen lifted up their hands and eyes in pious indignation at such a violation of the law, and maintained that such proceedings were only equalled by the Jacobinical assemblies of the French revolution. But, Sir, I find by this little book, that the Methodists not only have their collections, but direct that the various collections made in October, are to be paid in by the 15th of November—a pretty prompt payment. I'll warrant me the chancellor of the Exchequer does not make half such quick work of it; though I think I can perceive he would willingly adopt a similar method, if he could make it at all practicable. He, however, had been in the habit of giving three months credit; though latterly, I believe, my hon. friend, the member for Aberdeen, allows him to give a credit of little more than six weeks [hear! and a laugh]. The book goes on to state, that the treasurer's accounts are to be closed on the 6th of June, in order to their being laid before the conference on the 20th, and the chairman is directed to pay over any additional subscriptions sent in after the 15th of November, reports being to be made to the superintendants, at every annual and district meeting. We have been told of the accounts returned to the Catholic Association, of the number of subscribers and non-subscribers to the rent. We were told that there were accounts of the subscribers and non-subscribers; that the names of the latter were held up in terrorem, and that they were to be visited with punishment for not having contributed. For this statement there was no foundation. No two such lists were kept; because, from the very nature of things, there could exist none such. It was stated, however, for the purpose of exciting alarm; and it was frequently found, when such an alarm was spread, that the soberest minds became the most credulous. Will it not be matter of surprise to tell how, in the sixth year of the reign of George the fourth, the House of Commons became alarmed, and swallowed they know not what—nay more, that they began upon mere hearsay to legislate upon the cause of that alarm? And what was it after all? Why, that out of a population of six millions of people in Ireland, some 3,000 had formed an Association, while in England an Association, consisting of 500,000 persons, was allowed to assemble, and act with impunity [hear!]. I shall now, Sir, come

to what I consider a parallel case with respect to the collection of money. This book states, that reports are to be made by the persons who hold district meetings of Methodists; and that where any gross deficiency was found in the amount of the collection, the chairman was to make strict inquiry into and report upon the cause thereof [hear!]. I'll warrant me, Sir, that inquiry is strictly made; for there is nothing more inquisitorial than religious zeal, particulary when it is directed to financial objects [hear! and a laugh]. I beg pardon for thus detaining the House, but I feel it necessary to shew, that while we are legislating for the suppression of the Catholic Association in Ireland, we allow an Association similar in its main objects to exist here. I now hold in my hand a part of the minutes, which is, I think, something like what we often see upon this table, and which often startles us not a little, as it answered to the title of "Army Extraordinaries." Here, Sir, we have the extraordinaries of this army of the faith, and in it I find, what we often find in our own extraordinaries, a deficit. This deficit, the chancellor of the Exchequer finds some difficulty in supplying; but not so the Methodists—they supply it without difficulty: for instance, in the items of childrens' allowance, I find the deficit is ordered to be supplied, by calling upon every 149 members to produce sufficient for one child. Do I say this for the purpose of casting blame upon the Methodists? Do I do it with a view to cast a doubt upon the legality of their proceedings? No, Sir; but I institute the comparison with a view to shew that that which is lawful in England cannot be unlawful in Ireland. I know that the Methodists feel that they are right, and are ready to go to death in support of their rights; I know that they would stake their existence upon the free exercise of the liberty they now enjoy; and I allude to it in order to shew the anomaly which exists in the two cases, but above all, to shew, that that which is esteemed and received as useful and beneficial, as well as just and lawful, in England, cannot be made the ground of opposition and suppression by act of parliament in Ireland.

Sir, it seemed to me just now, that I had gone through all the charges made against the Catholic Association; but I find that there is still one which I have left untouched, and which, like all the rest, appears to have been made with the most admired disorder. It is objected, that the priests have become members of that body. This statement was received by gentlemen on the other side with great cheering. But let me ask, what would have been said if the priests had not formed a part of the Association? Supposing the priests, the nobility, and the leading commoners of the country, to have kept aloof from this unfortunate body, who, it appears never can do right, would it not then be said, "They are unsupported by the Catholic clergy," upon whose sacred order a warm eulogium would be pronounced; "they are not aided by the nobility," whose characters and respectability would be highly praised; "they are not co-operated with by the great commoners of the country," whose wealth and characters would be held out as a security to the public for the purity of their intentions. All this would be said, and it would doubtless be added—"the Association consists merely of a set of desperate men, in whose views or objects no confidence can be placed." In a word, they would be put down as a priestless, peerless assembly; a set of persons having amongst them no individuals of wealth or respectability [hear, hear!].

There is another, and I believe it is the last charge urged against this body—it is, that they attend to too many things; that they take too wide a range. Why, Sir, no man knows better than the right hon. and learned gentleman, that the more a man concentrates his faculties and directs them to one object, the more likely he is to succeed. But the gentleman who made that charge is mistaken. The question of tithes they had not touched; the question of parliamentary reform they had not meddled with. On the contrary, when my much-respected and venerable friend, Mr. Bentham sent to the Association his subscription, accompanied by a recommendation of the question of reform, their answer, sent by a committee appointed for the purpose, was, "much as we value the question of reform, it will not mix up with our main object—we are determined to stand by the question of Catholic emancipation and a redress of Irish grievances" [hear, hear!]. So much for the facts so solemnly stated on the other side of the House.

And now, Sir, permit me, before I sit down, to offer a few words upon the great

question of Catholic emancipation. The right hon. gentleman opposite (Mr. Canning) has, as it appeared to me, defended himself against some charges which I did not hear made against him. The great objection which I heard made against him was, that he who had always professed himself, and, I believe sincerely, the kind friend of Catholic emancipation, should allow himself to be in his present situation—it is, I say, most marvellous, that the right hon. gentleman should be found sitting in a cabinet professing a contrary doctrine, not, indeed, in name, but certainly in substance and effect. Is it not surprising, Sir, that the right hon. gentleman does not use the great talents he possesses, and the means within his power, in order to carry that question, as he easily might do if he list [hear, hear!]? This is the heavy charge which is brought against him; and, I say it more in grief than in harshness, he has but poorly, very poorly, defended himself [hear, hear!]. This, if ever, is the critical moment, when the right hon. gentleman's exertions would be effective; for now its fate is, as it were, trembling in the balance. I told him before, and I tell him now, what was the best service he could render to that question. Having done so, I now pass it by; but I demand of him, in the face of this House—I demand of him in the face of the country—I demand of him in the face of the people of Ireland, whether, when the question was so trembling in the balance, he has not rendered it the greatest injury in his power, by assisting in raising the cry of "No Popery" against it? This is my charge against the right hon. Secretary; and I maintain that he has done his best to raise that cry. Thank God he has failed! but, the worst Orangeman, the most principled or unprincipled enemy of the Catholics, could not, with all his ingenuity, have selected a surer mode of injuring them. The right hon. gentleman so weighed and balanced his sentences; he so managed his eloquence, following his great master, Mr. Pitt, of whom it had been wittily said, by Mr. Windham, that his talent was so great, that he could speak off a King's Speech extempore—I say that the right hon. gentleman so studied his every expression, telling only what must be told, and concealing what could be concealed; that he succeeded in throwing more obstacles in the way of Catholic emancipation than existed before he undertook its advocacy." He had used a few apparently simple words; but they were words pregnant with the most evil import. What else but evil could be expected from such an expression as this.—"I am alone upon the Catholic question, save the support I receive from the Opposition." That was to say, "I am alone save the strength I derive from the Whigs." The right hon. gentleman added, "I am as much a friend to Catholic emancipation as ever;" and yet this sincere friend went on to state, that which was most disheartening to the advocates of the question; namely, that the people of England were opposed to it. This reminds me of the "School for Scandal," to which, allusion has been made in the course of the night. One of the parties says, "I like Mr. Such-a-one, vastly, but I can't get any one else to like him." So the right hon. Secretary may say, "I like the question of Catholic emancipation, but I cannot get any one else to like it;" or, at least, I may suppose him to say, "I like it, but I can only get the Whigs to like it." I ask, Sir, whether it would not be more fair, more liberal, on the part of the right hon. Secretary, to state boldly, that not only the Whigs, but every liberal-minded man in the country was in favour of that question? All London, Westminster, and Southwark, declared for the Roman Catholics over and over again: and is it nothing that the very heart of the empire had avowed this opinion? No doubt many hon. gentlemen have long since repented their ancient errors upon this point. Even in 1807, when the Whigs were turned out of office upon the base and scandalous cry of "No Popery, the Church is in danger," London, Westminster, and Southwark, had refused to join in it. Yorkshire, too, declared for the Catholics; Lincoln followed her example; and in Northumberland and other northern countries, no symptom of hostility to them was displayed. All the great cities, even Liverpool, as the right hon. gentleman recollected, took no part, and shewed no enmity. If, then, such were the fact in 1807, what reason on earth existed to prevent the government from now patronising the question? The argument of the right hon. gentleman is this—"I cannot propose the subject to the cabinet—I cannot consent to go out upon it: government cannot induce the parliament, and parliament cannot compel the people, to consent to emancipation; for to a man they are opposed to

it."—I deny the fact—I deny that the country is opposed to it. Even were it inert upon the subject it might suit the right hon. gentleman's purpose as well; but I maintain that it is not inert—that liberal opinions and education have superseded bigotry and ignorance, and the voices of those who most loudly shouted "No Popery" in 1807, are daily and hourly growing weaker. Have we not a decided proof of the truth of this statement in the very subject before us? I take to myself the high satisfaction, that though one of the feeblest, yet one of the most zealous and consistent supporters of Catholic rights, I have contributed on this occasion, by my advice and exertions, to interpose such a delay, by the protraction of the debates on this great question, as to enable the House to ascertain with certainty, the real state of the public mind. An opportunity has also thus been afforded for the display of splendid specimens of reasoning, learning, and eloquence, by which immense service has been rendered to the cause of civil and religious liberty; but, above all, I am rejoiced that, as far as in me lay, I have thus contributed to give a last blow to a pernicious and scandalous delusion. But I will suppose, for the sake of argument, that the country was opposed to emancipation, and I will say, that even that ought not to have deterred the right hon. gentleman and the government from bringing forward the question and carrying it triumphantly. If they felt that they were right—if they knew that it was of paramount importance to the safety and integrity of the empire—why did they not oppose themselves firmly to the tide of vulgar prejudice? Were they always so tender—always so nice—always so unwilling to run counter to public opinion? The chancellor of the Exchequer formed part of the government in 1820; and I ask him, what was the state of public opinion on that most infamous, detestable, and disgusting measure, to which I marvel that any man on the other side can hear an allusion without the crimson starting to his cheeks—I mean the prosecution of the late Queen [hear, hear!]. What did the country feel on that occasion? Yet, did the government then shew any such delicate reluctance to confront public opinion? They had then no disinclination to meet the cry of the mob, or to combat the discontents of the army: they were then not prepared to resist the wishes of meetings in all parts of the kingdom, and the avowed sentiments of many of their most steady supporters. The Church, for some time, at least, was passive, or even with the Queen; until the ministers and their adherents gave it the tone of reprobation. All these great interests were embattled against them—all felt with one heart, and spoke with one voice, yet nothing could induce the persecutors of the Queen to pause for one instant in their disgraceful and disgusting course. Was that course rendered necessary by any state expediency? No. Was one half of the empire about to be torn away if the ministry did not confront public opinion? No; but there was one person in the kingdom who held in his hand the issues of official life, who required that the proceeding should be commenced, and to him the cabinet yielded their private prepossessions, and made themselves his blind and willing slaves; to him they yielded the most abject subserviency—I will not mince the matter—with an unhesitating baseness, unequalled in any European court—which the cabinet of Russia, or even of Ferdinand the Seventh, might have equalled, but could never have surpassed. Like the base, crouching, hesitating, flinching slaves of the divan of Algiers, with the bow-string twanging in their ears, and the scymitar glancing before their eyes, they consented to gratify groundless, but in that high quarter, excusable caprices; though they were without all excuse, beyond what might be found in the most anxious desire to retain their places [hear, hear!].

Before I sit down, Sir, I must address a few words to the right hon. the Attorney-general for Ireland; for though the House has already patiently suffered under my infliction, my duty requires that I should trouble it a short time longer on the most important question I have ever known discussed in parliament. If I found myself in want of reasons for conceding the demands of the Catholics, good God! what an ample supply the Attorney-general for Ireland has given me. The great friend and patron of emancipation — the appointed guardian of the peace and tranquillity of Ireland, with knowledge of many facts with which he alone could be acquainted, has declared that the bill under discussion is necessary, because emancipation is to be refused. How ominous are these words to the people of Ireland! To my ears they mean neither more nor less than

this: "Prepare for the coming storm; set your house in order, while you may; the tempest is brooding, and will quickly burst; that is about to be done, which, when completed, may produce, nay, must produce, convulsion, unless preventive measures are taken."

Mr. *Plunkett* here interrupted the hon. and learned member.—I stated, in my speech, that the argument from the other side was this: "Why do you pass this bill when you can avoid it by granting emancipation?" I replied, that the first question was, whether emancipation could be obtained; but I did not say that that was the only question; I did not state, that emancipation would dispense with the putting down of the Catholic Association. Neither did I assert, that emancipation was never to be granted. On the contrary, I observed, that my apprehensions of a long postponement were not so great as others had expressed.

Mr. *Brougham*.—The correction given by the right hon. and learned gentleman makes little or no difference. I thought he said, that if Catholic emancipation were granted, this bill would not be necessary; and he does not now take upon himself to state, that if the claims were conceded, it would be required. His argument is this; "My reason for voting for this bill is, because I feel its paramount importance: because Catholic emancipation being, for the present, out of the question, it is necessary to provide against the consequences of refusing it." This, I repeat, is most ominous for the future tranquillity of Ireland. Had lord Londonderry been alive, feeling that concession could not be made, and that convulsion must be the result of refusal, he would at once have recommended the adoption of military measures to meet the threatened danger; and I know not whether I would not rather see precautions of that kind adopted, which at all events must be temporary, than witness the passing of a bill like the present, which makes so violent an inroad on the constitution. Ministers say this, "Because we do not chuse to do what is right—because we choose to withhold the real cure—because the grievances of the Irish are not now, and therefore never, to be remedied, we will put down the Association—we will choke the language of complaint, and, instead of redressing the wrong, we will stifle the language of resentment." I say redress the wrong, and the complaint will cease. The Attorney-general says, "I will begin at the other end—I will stifle complaint, because I do not choose to redress the wrong." Sir, I advise the Roman Catholics to persist, not to be discouraged—to be peaceable and obedient to the law—to take all constitutional means of resisting the passing of the bill; but if it be passed, to submit with patience to its provisions—to adopt all due measures of self-defence, not by unlawful associations, but by such combinations as the law, even after the enactments of this bill, must necessarily leave them, and, in the end, they need not despair of success. Do not let them think, listening to false friends—that going too far with moderation and conciliation will be of any avail. Above all, do not let them suppose that saying nothing, doing nothing, trusting to those who have abandoned them, or looking out for others, whom they have never tried, will ever accomplish the object on which they have so long set their hearts. Let them confide in their old friends, in their faithful and distinguished leaders, those enlightened men who have always ably advocated their cause, in such men as my venerable friend (sir J. Newport), now far advanced in a life spent in their service, the worthy successor of their revered Grattan [hear, hear!]. Let them proceed firmly in the course they have honourably commenced, and let them not forget to look to the Catholics of England, let them reflect on the admirable conduct of their brethren and fellow-sufferers here, who, having long tried what moderation, what passive obedience, what calm submission would do, and finding it would accomplish nothing; or, rather, as in Ireland, aggravated the evils of which they complained, have at length come forward—and I glory that they have done so—to join hand and heart with the Irish Catholics for the attainment of one common object. A noble duke, whom I am proud to call my friend, who would be at the head of any society, but who is especially at the head of the Catholic Society of England, down to the lowest parish priest performing a weekly duty with his flock, have made common cause for a common end, and from this union I anticipate the happiest results [hear, hear!]. I am told by the right hon. secretary, that I know little of Englishmen, if I think that a formidable attitude assumed by the Irish is likely to be attended with beneficial effects. This may be true. It may be true, that the English have never granted any thing under the compulsion of fear: but if it

be true I do not know it, for history proves directly the reverse, I assert, on the contrary, and I defy him to contradict me, that the Roman Catholics have never obtained any concession, but when the government of the day was influenced by apprehension. Times of peace, and peace only, added new sufferings and augmented privations. In 1778, the first step was gained by the Catholics, because the government was under difficulties. In 1782, it had to deliberate with armed men, who extorted, by force, the independence of Ireland. In 1793, new fears prevailed, and new concessions were made, and it was then that the last boon was given, of the elective franchise. Is it true, then, that the Catholics have never obtained any thing by assuming a formidable attitude? I call, then, upon the British House of Commons, not by any bad passions—not by the hatred you bear to oppressors—not by long-stifled enmity for the deepest injuries, but every principle most sacred to Christians—not by hatred, but by charity—not by revenge, but by conciliation: as you are statesmen, and have, in fact, the government of the empire in your hands, I claim of you by policy and by prudence to look at this question fairly, and to consider the dreadful consequences which may result from passing this measure. Adopt it, and you alienate the Catholics for ever—you convert discontent into rage—you arm rage with new weapons; and upon your heads will be the consequences of this misguided and deluded policy. You, and you only, must be responsible if the present Ireland be torn from the mother country [continued cheers].

Mr. *Butterworth* rose, notwithstanding the reiterated cries of "Question!" and persisted in attempting to obtain a hearing. We could only collect, that he accused Mr. Brougham of having fallen into a great mistake, respecting the Methodist conference money. The committee he had mentioned had been appointed with a specific object. The money was devoted to a different purpose; and no collection had been made since 1811. The hon. member, produced a letter, which he held up to the House for some time, amid cries of "question, question," and "read, read." The hon. member commenced the reading of the letter; but he had not proceeded far before a laugh was excited by some member exclaiming "Amen." Mr. B. persevered, and read part of the letter, to shew that the Catholic rent was not a voluntary contribution [cries of "name, name." and "place, place"]. It was in the county of Kilkenny; but he objected to give the name of the party who wrote the communication. He had intended to have said a few words about Bible societies, but as the House was so impatient he would reserve them to a future occasion.

Mr. *Goulburn* rose to reply. He had, he said, been charged with having made a false statement respecting two transactions to which he had alluded in his speech. He had mentioned them, to show the ground upon which he disapproved of the principle of the Catholic Association, which, contrary to the old maxim of English jurisprudence, presumed people to be guilty before they were tried. He was, however, charged with having misrepresented one of these, because he had not stated, that Mr. Blackburn, the judge before whom that trial was had, had complimented Mr. O'Gorman for his conduct in the prosecution. Now, he had said nothing against Mr. O'Gorman; and his conduct, whatever it had been, did not alter the proceeding against which he had objected.

Sir *J. Mackintosh* said, he complained only of the right hon. gentleman's having concealed that fact.

Mr. *Goulburn* resumed. The hon. and learned gentleman, then, thought it was a fact necessary to be stated, that the counsel for the prosecution had conducted himself well. The House should, however, hear Mr. Blackburn's report of that trial. He said, "A trial of unusual interest has been held before me, in which a soldier was charged with having administered illegal oaths. It lasted seven hours, and at the conclusion of it the man was acquitted by the unanimous verdict of forty-three magistrates. I regret to say that the evidence for the prosecution appeared to be a foul conspiracy, to accuse and criminate the soldier, and that the most abominable means were resorted to for effecting the object of the conspiracy" [cheers]. If any gentleman had before this, supposed that he (Mr. Goulburn) had given any colour to this case, he asked them now to acquit him, on the evidence of Mr. Blackburn's report. With respect to the other case alluded to by the learned member for Winchelsea, he did not know from what source it was the learned gentleman obtained his information. He as-

serted, that the counsel had not been allowed to put a question to a witness, in consequence of which the prisoners were acquitted.

Mr. *Brougham* said, he had it from the leading counsel on that prosecution.

Mr. *Goulburn* said, it was impossible to answer such assertions off-hand; but he doubted the fact altogether: first, on account of the well-known character of the judge; and secondly, because there had been no allusion to it, in any of the proceedings of the Catholic Association, although six months had elapsed since the trial.

Mr. *V. Fitzgerald* said, that he was present at the trial of the soldier, and could state that there was no division of sentiment amongst the magistrates as to the innocence of the party.

The question being then put, "That leave be given to bring in a Bill to amend certain Acts relating to Unlawful Societies in Ireland," the House divided: Ayes 278: Noes 123. Majority 155. The bill was then brought in, and read a first time; and at half after three in the morning the House adjourned.

List of the Minority.

Abercromby, hon. J.
Althorp, visc.
Barham, J. F.
Baring, A.
Baring, H.
Baring, sir T.
Barnard, visc.
Barrett, S. B. M.
Beaumont, T. W.
Bective, lord
Benett, J.
Bennet, hon. H. G.
Bentinck, lord W.
Benyon, B.
Bernal, R.
Birch, J.
Brougham, H.
Browne, Dom.
Burdett, sir F.
Bury, visc.
Calcraft, J.
Calcraft, J. H.
Calvert, C.
Carew, R. S.
Carter, J.
Caulfield hon. H.
Cavendish, H.
Cavendish, C.
Chaloner, R.
Clifton, lord
Coffin, sir I.
Colborne, N. W. R.
Cradock, S.
Crompton, S.
Curwen, J. C.
Davies, T. H.
Denman, T.
Dundas, hon. T.
Ebrington, visc.
Ellice, E.
Ellis, hon. G. A.
Evans, W.
Farrand, R.
Fitzgerald, rt hon. M.
Fitzroy, lord C.
Foley, J. H. H.
Folkestone, visc.
Frankland, R.
French, A.
Graham, S.
Grattan, J.
Guise, sir B. W.
Gurney, H.
Gurney, R. H.
Hamilton, lord A.
Heron, sir R.
Hill, lord A.
Hobhouse, J. C.
Honywood, W. P.
Howard, H.
Hume, J.
Hurst, R.
Hutchinson, hon. C. H.
Johnson, W. A.
Kingsborough, lord
Knight, R.
Lamb, hon. G.
Lambton, J. G.
Leader, W.
Leycester, R.
Lushington, S.
Maberly, J.
Maberly, W. L.
Macdonald, J.
Mackintosh, sir J.
Mahon, hon. S.
Marjoribanks, S.
Martin, R.
Maxwell, J.
Monck, J. B.
Moore, P.
Newport, sir J.
Normanby, visc.
O'Brien, sir E.
Ord, W.
Palmer, C.
Palmer, C. F.
Parnell, sir H.
Pelham, J. C.
Phillips, G. sen.
Phillips, G. R. jun.
Ponsonby, hon. F. C.
Power, R.
Powlett, hon. W.
Poyntz, W. S.
Pym, F.
Rice, T. S.
Ridley, sir M. W.
Robarts, G. J.
Robinson, sir G.
Rowley, sir W.
Robertson, A.
Rumbold, C. E.
Scarlett, J.
Scott, S.
Sefton, earl of
Smith, J.
Smith, G.
Smith, W.
Stuart, lord P. J.
Sykes, D.
Talbot, R. W.
Tierney, rt. hon. G.
Wall, C. B.
Warre, J. A.
Whitbread, W. H.
Whitbread, S. C.
White, col.
White, S.
Wilson, sir R.
Winnington, sir T. E.
Wood, M.
Wrottesley, sir J.
Wyvill, M.

TELLERS.

Duncannon, visc.
Nugent, lord

PAIRED OFF.

Haldimand, W.
Robarts, A. W.
Wilkins, W.

HOUSE OF COMMONS.

Thursday, February 17.

PETITION OF CATHOLIC ASSOCIATION OF IRELAND AGAINST UNLAWFUL SOCIETIES BILL.] Mr. *Brougham* rose to present a petition which seemed to him to be entitled to the most serious attention of the House. It was signed by a great number of persons who, although they were members of the Catholic Association, approached the House only in their individual capacity, the forms of parliament not allowing them to petition in any other form. This, then, although it was the petition of the Catholic Association of Ireland, came before the House only as the petition of the individuals by whom it was signed. They consisted of a large number of peers, a larger number of persons of distinguished though inferior rank, six prelates of the Roman Catholic church, three archbishops, and three bishops, and a very numerous class of other individuals of distinction, as regarded their fortune, their talents, and their influence over the great body of the Roman Catholic population. These petitioners humbly represented, that they had learned, with deep apprehension, that it was in contempla-

tion to pass a bill through this House, the object of which was, to restrain the undoubted right of the people to meet and petition parliament for the redress of the grievances which they might suffer, and especially that it was intended by that bill to dissolve the Association of which the petitioners were members. They stated, besides, that no act or declaration of that body, from its institution to the present hour, had been intended, or was calculated to excite alarm, or exasperate the minds of the people of Ireland. The petition prayed, that no measures might be adopted against the Association, until the persons who were charged with having committed offences should have been heard in their defence. So conscious were they of the purity of their intentions, that they had no objection to the most rigorous inquiry into both. On the contrary, they courted inquiry. He could not, for his own part, imagine any reason which could be offered against granting them that inquiry which they courted. The petition concluded by praying, that they might be heard at the bar of the House by themselves, their counsel, agents, and witnesses.

The Petition was then brought up and read; setting forth,

"That the petitioners have reason to apprehend that it is in contemplation to introduce some measures into the legislature, either for the purpose of entirely suppressing the Association, of which the petitioners are members, or of coercing them in the necessary exercise of what they deem a legal and constitutional right; the petitioners are ignorant of the precise nature of these measures, but the suggestions that have been publicly made respecting them, have filled their minds with surprise and alarm; conscious that the proceedings of their Association are not, and have never been, irreconcileable with the spirit of the constitution, or calculated to excite alarm, or to exasperate animosities, or to endanger the peace of society, or to retard the course of national improvement, but have had the very opposite tendency, the petitioners fly to the bar of the House for refuge and protection; in the name of truth and British justice they ask, they implore, they respectfully demand, a full, fair, impartial, solemn inquiry into the nature and constitution of their body, into the causes that have induced the necessity of their meetings, into the nature, tendency, and effect of their proceedings; this most necessary inquiry the petitioners humbly pray may be had in the first instance, and before any new measure of harshness or severity be introduced, or any new law be added to that code of pains and penalties (as they humbly offer to prove at the bar of the House) of monstrous injustice and of goading degradation, and of foul oppression, under which the devoted people of Ireland continue to suffer, unmitigated as it is by any gracious act of government, or by any declaration that could inspire hope, or soothe the natural anxieties of a disappointed, ill-treated, yet dutiful, most patient, but most sensitive people; the petitioners in humble vindication of their conduct, submit to the House, and are ready by proof to sustain the same at the bar, that their proceedings are, and have always been perfectly reconcileable with the free and genuine spirit of the British constitution, which affords to the aggrieved the right of complaint, and to the injured an opportunity of submitting their wrongs to the wisdom and justice of parliament; that no act or declaration of their body from the day of its institution to the present hour, has been calculated to excite alarm or exasperate animosities; that their proceedings did not and could not in any wise endanger the peace of society, or retard the course of national improvement; if guilty of the heavy crime of thus adding to the calamities of their ill-fated country, they would not be animated with the courage which inspires them, and with the entire confidence they feel in the high-minded justice of the British nation; they submit to the reasoning mind of the House, that if they have excited alarm, and endangered public peace, or retarded public improvement, their proceedings and their conduct must necessarily have been violent, intemperate, provoking, seditious; at least could not have been peaceable, temperate, conciliatory, and loyal; and here they refer to all that has passed in their body since the first day of its formation, to their acts, their public documents, even to every casual and unpremeditated resolution that has escaped them in the heat of discussion; they invite, they implore, the keenest scrutiny, the most rigid examination, the most jealous inquiry into every act, deed and resolution of their body, and if the result of such inquiry shall be to fasten upon them, or even to countenance the charges that have been made against them,

the petitioners, in the face of parliamen and the world, pledge their honour and their faith that they will in that case instantly dissolve themselves; but if, on the other hand, it shall appear, that the conduct of the Catholic Association has been strictly constitutional, that they have met for the purpose of considering various grievances which affect their body, and of bringing same in the shape of humble petitions under the consideration of the legislature; if it shall appear that they have ever laboured to inspire the people with affection for the sovereign, with confidence in the House, and with due respect for the laws; if it shall appear that they have taught the people to shun all secret and illegal combinations, to bear their burthens with patience, to look up for justice and redress to the tribunals of their country; if, moreover, it shall appear that the discontent which prevailed in that country, when the Catholic Association first assembled, gradually subsided, as the petitioners pointed out to the people the mode of obtaining constitutional redress; if it shall appear that the outrages, for the suppression of which extraordinary powers were confided to his majesty, have so far ceased as to warrant the suspension of the exercise of those powers in most of the districts heretofore disturbed; if it shall appear that the value of landed and other property has greatly increased; that industry and commercial enterprize, the sure signs of improving times, and the cheering fruits of public tranquillity, are extending themselves in that part of the United kingdom; if all this shall appear, the petitioners hope that no measure irreconcileable with the spirit of the constitution, will meet the sanction of the House, and that the House will not listen to that which the petitioners are humbly ready to prove at the bar of the House would be the wicked project of passing new penal laws, which can have no other consequence than to embitter cruel disappointment, and to irritate and inflame an already aggrieved people, whose wrongs have been frequently acknowledged, but have never been redressed; attacked and calumniated as they have been, the petitioners hope they may be pardoned if, with the anxiety natural to honourable and loyal men, they ava l themselves of this opportunity to enter into a more particular explanation of their character and their conduct; for a considerable time after the gracious visit of his majesty to that country, the Catholics of Ireland preserved almost a perfect silence with respect to their claims, anxious to give to the confidential servants of his majesty the enviable glory of making constitutional arrangements, which would tend to procure the emancipation of seven millions of his majesty's subjects; they waited in the humble hope and expectation that the legislature would, unsolicited, have enacted some measure for their relief; they waited in submission and in silence, a whole session was allowed to pass away, and their claims were not even discussed in parliament; it was not until an advanced period of the session of 1823, that their petition was presented to the House; and notwithstanding what they respectfully claim to be and are now humbly ready to prove at the bar of the House to be, the irresistible justice of their claims, notwithstanding all their patience, silence, and submission, it was at that period deemed expedient to dismiss their humble and dutiful claims without any repeal of the laws by which they are aggrieved; thus disappointed, the Catholics of Ireland felt the necessity of bestirring themselves in their own affairs, and it was deemed right to enter into an Association to promote the general interests of their body, and to bring under the frequent consideration of parliament the various and heavy grievances of which the Catholic people of Ireland complain; that the Catholic Association was formed first and chiefly for such purpose; it consists of Catholic prelates, peers, and baronets, of many Protestants of noble families and great possessions, of many distinguished members of high and learned professions, of commercial men of great wealth and character, of country gentlemen, farmers, traders, and substantial citizens; that the Association meet publicly, in order to prepare and forward petitions to both Houses of parliament for the redress of grievances; and to procure for the poor, the ignorant, and the defenceless, redress from the known tribunals of the law, for outrages and injuries arising from party spirit; that the petitioners never presumed or pretended to represent in any way or for any purpose, any portion of their countrymen; that the petitioners never presumed or pretended to levy any sum of money from any portion of their fellow-subjects, but they have received the voluntary subscriptions which have been given by Protestants and Catholics towards the creation

of a fund, formed to defray the expenses of forwarding petitions to the House, of obtaining justice for the poor, who are not able to obtain justice for themselves, and for other necessary, just, and lawful purposes; amongst the subscriptions to this National Fund, are to be found those of noble Protestant families, of many members of the legislature, and of other high and dignified persons; even the very last subscription that appears on their list bears the name of a noble and venerable personage, whose virtues shed dignity and splendour even upon the exalted honours of the British peerage; the petitioners, in conclusion, disclaim all views and objects inconsistent with the spirit of the constitution, of the peace, happiness, and improvement of the country, to which they are attached by so many ties, and in which they have so great a stake; in the consciousness of their innocence, they humbly pray the House to take into consideration the subject of this their humble petition, and to adopt no measure against the Catholic Association, or against any portion of the Catholic people of Ireland, without first affording to petitioners a full opportunity of vindicating their principles and conduct at the bar of the House, and to be heard, if necessary, as well by witness as by their counsel."

Mr. *Hume* said, that the promoters of the most atrocious bill ever introduced into parliament, had grounded the measure mainly upon two or three words in an address from the Catholic Association, The words were "by the hatred you bear the Orangemen." On bringing in the bill, the right hon. Secretary had read these words as if they meant by the hatred the Catholics bore to the whole of the Protestant community in Ireland. The words had reference to the practices of the Orange party to entrap the ignorant Catholics into the commission of crimes, for which they were afterwards visited with the penalties of the law, and which practices had become so notorious as to justify the declaration which had been made. He was instructed to represent to the House, that every statement which had been made to the disadvantage of the Catholic Association could be proved on oath to be totally groundless.

Ordered to lie on the table.

Mr. Brougham then presented a petion against the Unlawful Societies bill, from Newry, aad gave notice, that he would, to-morrow, move, on behalf of the first petition, that the petitioners be heard by themselves or their counsel, at the bar of the House.

Game Laws.] Mr. *S. Wortley* moved for leave to bring in a bill to amend the existing Game Laws, which was precisely the same, he said, as that which he had submitted to the House last session.

Sir *J. Shelley* wished that a clear fortnight should be allowed to elapse between the introduction of the bill and the third reading.

Sir *J. Brydges* objected to the principle of the bill, and said, he would endeavour to strangle the measure in its infancy.

Mr. *R. Colborne* thought the present game laws were open to so many objections, and that any attempt to amend them ought to have a fair trial.

Mr. *Curwen* said, that the evils of the present system were obvious. The gaols were filled with poachers; game was destroyed to a considerable extent, and was, in many places, openly sold, notwithstanding the penalties. He highly approved of the general principle of the bill.

Mr. Secretary *Peel* was also favourable to the measure. It would have a beneficial effect in diminishing poaching. He wished, however, that the hon. member had confined himself to legalizing the sale of game, and giving the owner of the ground a property in them, without extending his views to any alterations of the qualification for sporting. It was an attempt to do too much last year, that the failure of the bill was to be attributed.

Mr. *Tennyson* also recommended a more gradual reform in the Game laws. This bill went too far. He sincerely hoped, that the illegality of traps to catch the unwary as well as the guilty would be put beyond all doubt.

Mr. *Lockhart* deprecated the use of traps for the protection of game. They were a disgrace to the country.

Mr. *H. Sumner* would resist the bill, as he wholly disapproved of its object.

Mr. *Bright* was favourable to this alteration of the law, and lamented that the right hon. gentleman should have said any thing in favour of spring guns.

Mr. *Peel* denied that he had done so. On the contrary, the practice of setting spring guns in open woods for the preservation of game, met with his decided

Sir *R. Heron* was for limiting the bill to legalizing the sale of game.

Mr. *Cripps* was of opinion that the bill as proposed went too far.

Mr. *Benett*, of Wilts, supported the measure. He did not believe that spring guns were set in any woods by game preservers in the West of England. He should hold himself guilty of murder, if life were lost on his grounds, in consequence of the employment of these engines.

Mr. *F. Palmer* approved of the bill, and attributed the recent increase of poaching to the low wages which labourers received [hear].

Mr. *S. Wortley*, speaking from experience, was of opinion, that the setting of spring guns prevented scenes which would be ten times more fatal than any which could result from them. If the question was narrowed to the sale of game, he would wash his hands of the bill. His first principle was, to give every occupier of land a right to the game thereon, and protection against the poacher and trespasser. His second was, to make the sale of game legal.

Leave was given to bring in the bill.

TURNPIKE TRUSTS.] Lord *Lowther*, in pursuance of notice, moved for the appointment of a select committee to inquire into the receipts, expenditure, and management of the several Turnpike Trusts in the county of Middlesex. In order to shew the necessity of investigation, the noble lord entered into some statements regarding the trusts in the neighbourhood of the metropolis. For three miles and a half of road to the north of London, there were three acts of parliament, three sets of commissioners, and ten turnpike-gates. Not less than 200,000*l.* were collected in various directions within ten miles of the city, and about half the sum was consumed in salaries and perquisites. An account, before the House, of the Stamford-hill trust, shewed that a large sum had been laid out in annuities, and, on inquiry, he found that these annuities, with interest of 10 per cent, had been granted to some of the trustees by others of the trustees for monies advanced, and said to be necessary for the maintenance of the road. An abuse also existed in the summoning of trustees only, to serve upon special juries. Generally, where the largest sum was collected from the public, the worst management existed; and of this, the noble lord adduced several instances. The tolls of the gate in Bishopsgate-street, instead of being applied to the purposes of the highways, had been expended in relief of the parish rates. The multiplicity of gates in the vicinity of London was a great loss to the public, not only in money but in health, since it made travelling so expensive. Between Hyde-park-corner and Hounslow, no less than 22,000*l.* were annually collected, and it seemed impossible that the sum could be laid out in the repair of the road for that short distance. The inquiries last year regarding the Kensington trust, had done much good. The balance had been taken out of the hands of the treasurer, and placed with a respectable banker, after the payment of the debt. He expected hostility from both sides of the Thames, but at present he limited his inquiry to Middlesex, hoping to accomplish something, by not attempting too much in the first instance.

Sir *E. Knatchbull* admitted, that the noble lord had made out a case requiring investigation. If the object was, to throw the turnpike trusts into the hands of government, or to place all the roads under the superintendence of Mr. M'Adam, he should decidedly resist such a course; convinced that it would only lead to corruption and jobs, which he always had opposed.

Mr. *Sumner* said, that the greatest injustice would be done to individuals, if they were not allowed to vindicate themselves before a committee from the charges brought against them. He therefore should not oppose the motion.

Mr. *Hume* thought the inquiries of the committee should be extended to all turnpike trusts within ten miles of the metropolis. Turnpikes existed in all directions, from the very centre of the town, and it was highly desirable that the committee should take into its consideration the expediency of removing them to a greater distance, if not of doing away with them altogether. The expense levied upon the public within four miles of the metropolis amounted to not less than 200,000*l.* whereas 60 or 70,000*l.* properly employed would be amply sufficient. He should move, as an amendment, that the inquiries of the committee be extended to all turnpike trusts within ten miles of London.

Mr. *Maberly* thought the public indebted to the noble lord for having brought this subject under the consideration of parliament. He was persuaded

that the result of the inquiry would be, an enormous saving to the public.

Sir *T. Baring* approved of the noble lord's motion. The tax on the public from this source amounted to no less than a million and a half, which sum was disposed of by irresponsible persons, amenable to no tribunal. When a turnpike bill passed that House, the number of respectable names introduced into it, appeared to afford a sufficient security for the proper expenditure of the money; but the fact was, that the actual disposal of the money devolved on persons of a very different description, who too frequently applied it to their own purposes.

The *motion*, as amended, was then agreed to.

USURY LAWS REPEAL BILL.] Mr. Serjeant Onslow moved the order of the day for the second reading of this bill.

Mr. *Calcraft* said, he felt it his duty to oppose this measure, which had now, for some time been annually brought under the consideration of parliament. The present prosperity of the country, and the convenient state of the money market, furnished of themselves, in his opinion, a strong argument against the repeal of the existing laws. It had been said, that it was impossible to oppose this measure on general principles of policy, for that it was the soundest policy to allow every man perfect liberty to dispose of every description of property in any manner he thought fit. In the expediency of that general principle he was disposed to concur. But, to this principle they had numerous exceptions daily before their eyes. For instance, a man in building a House was compelled to build his wall of a particular thickness to guard against fire. A man was not allowed to keep a gambling table. Both the gamblers and the keepers of those Houses were restricted by law. Only a few days ago the court of King's-Bench had imposed a fine of 5,000*l.* on an individual for this very offence. According to the principle of the learned serjeant, that man ought to have turned round on the chief justice and said, "You have no right to punish me for this conduct; it is an unjust interference with my disposal of my own money." But the chief justice would answer—"It is my duty to punish you; you have transgressed a law which was made for the good of the community." If we traced the current history of the country, we should find, that these laws had had a most beneficial effect. Under these laws it was, that the country had attained its present extraordinary state of prosperity.—The hon. member then referred to the spirit of speculation which at present prevailed; and said, that if it was true that there should be an unlimited privilege of disposing of money, there would be no justice in the proposed interference of a noble and learned lord in another place, whose experience was greater than that of any other man in this country, and whose knowledge was more extensive, in consequence of his having so long presided over the Chancery court. But, say gentlemen on the other side of this argument, it is a mutual accommodation to the lender and borrower to remove those laws. He was prepared to admit, that in times of difficulty these laws might be found inconvenient in their operation; but his answer was, that no legislature in the world could guard against these extraordinary emergencies. Another argument was, that by repealing those laws we should do away with the expense of insurances and annuity process; but let gentlemen consider the very small quantity of money transactions that came under this denomination. He contended that it would be most injurious to interfere with those salutary regulations. Was it nothing, that under these laws the country had attained its present exalted situation?

Mr. *Hume* said, he was clearly of opinion that the House would do well to adopt the recommendation in the king's Speech, and remove all those restrictions which interfered with commercial transactions. He remembered, that when it was proposed to remove the restrictions on the trade between England and Ireland, it was argued by some gentlemen, that to do so would be ruinous to the country. But, the consequence was, that when only a part of them had been removed, the beneficial result was so manifest, that the Irish merchants petitioned for the entire removal of the restrictions; and this cause, perhaps more than any other, had enabled Ireland to bear that full tide of prosperity which was now flowing in and upon her. The hon. member next alluded to the measure said to be in progress in the other House, with respect to the speculations now afloat in the city. His hon. friend had described the proposed measure to be the project of a wise man; but he must state, that it appeared to him exceedingly absurd, and it would surprise him very

much if it should ever pass into a law. What right had any man to interfere in the concerns of another? What right had he to prevent that other from embarking in whatever speculations he pleased? No doubt any man who suffered his name to be implicated in the institution of a scheme which was to be carried into execution by means of a company, took upon himself a certain responsibility. Nothing could be more unworthy than for such a person, be his situation that of director or proprietor, to desert the scheme, and place the property of many persons in a state of jeopardy. It was a paltry act; and he was sure no man whose conduct and character were before the public would be guilty of such an unworthy and unprincipled proceeding. To that extent he was prepared to discountenance these projects; but, if the growing commerce of this country required projects of public improvement; and, if any man, no matter what his station or his wisdom, should tell him that it was proper to compel the parties to pay up at once three-fourths of the money, which, perhaps, might not be required for ten years, he should have no hesitation in saying that such an opinion was most absurd and injurious. Formerly it was urged, that it would be inexpedient to make the alteration when the rate of interest was high. Why, then, now was the very time; and he felt persuaded, that during his life time the rate of interest would never again reach five per cent. He thought the House would do well to follow the king's advice, and remove the remaining restrictions. Why continue to fetter the money-market, when they conceded the principle of unrestrained traffic in every other commodity? Why was not money to be treated like all other commodities, which the possessor had the privilege of turning as he pleased to his own advantage? What would the country gentlemen think if a bill were introduced into that House for the purpose of fixing the maximum of rent at 15*s.* per acre? Would they not deem the measure a most unjust and impolitic interference with their rights? As matters stood, the rent of land generally corresponded with its value. The same observation applied to houses. What, then, prevented any gentleman from asking 10*l.* an acre for his land, and double the value for his houses? Nothing, but the certainty that he could not be paid. Was it not fair to conclude that money would be likewise lent on the same principle? He should give his warm support to the bill.

Mr. *Cripps* said, he should oppose the bill. The country had experienced the benefits of the Usury laws. Under them it had attained its present height of prosperity and glory. Would they, then, with a rash hand, break down a system which had been attended with such beneficial consequences?

Mr. *John Smith* said, that the argument of the hon. gentleman was a curious, and to him an inconclusive one. Because, during the existence of these laws the country had prospered, therefore it would be unwise to touch them. Surely, the hon. gentleman did not mean to say, that every law which was in operation during the period when the country was in a flourishing state, was so perfect, that it would be endangering that prosperity to alter or repeal it. A noble lord had just made a proposition respecting turnpikes and tolls, which he was satisfied would prove of benefit to the community. Now, would it not be deemed an irrational mode of proceeding, if some gentlemen were to say, that, because the country was in a flourishing state during the existence of the turnpike laws, it would be very hazardous to interfere with them. The only question was this—*will the repeal of these laws be useful or hurtful to the community? All other arguments were* idle. In his opinion, the restriction was mischievous. Money was a commodity which would be sure, like other commodities, to obtain its value; and if a law settled the rate at which the use of it was to be paid for below its value, its owners would find means of evading that law. Take, for example, the case of a tradesman who was pressed for money, and supplied his immediate wants by drawing a bill, and had not the means of taking up the bill when it became due. This was a case which frequently occurred, and as the law was imperative on him, what did he do? Why, he went to the banker or holder of the bill, requested him to keep it another week, and offered to give nine or ten guineas for the accommodation. If this man could have borrowed the money of his neighbour, at six or seven per cent, he might have been saved from this sort of ruin. This question had been agitated several years *ago*, out of the House; and there, at least, it had been finally settled. Mr. Bentham had

shewn, unanswerably, that the restrictions on the use of money were unwise. The question had been discussed by many enlightened men on the continent, and many clever men in this. Mr. Mill, and Mr. M' Culloch were of one opinion, that the use of money, like the use of other commodities, should be left unrestricted. As a philosophical question it had been set at rest. The repeal might not take place this session, nor the next; but, it was a measure which, like Catholic emancipation, the abolition of the Test act, and many other measures which had long been debated, must be carried at last.

The *Solicitor-General* began by saying, that he meant to propose, by way of amendment, that the bill be read a second time this day six months. He had read the works mentioned by the last speaker twice over; he had also read the evidence and the report of the committee, and he had come to the conclusion, that the repeal of the Usury laws would be injurious. He did not say, therefore, "continue these laws, because the country has prospered under them;" but, "continue them because the repeal would be injurious." If it could be proved to him that the repeal would be beneficial, he would give his vote for it. He met the hon. member, therefore, entirely on the ground of utility, and would endeavour to shew that on this ground the law ought not to be repealed. The borrowers might be divided into three classes — mercantile borrowers, landed borrowers, and persons who did not belong to either of these classes, and who might be considered as general borrowers. He would first take the case of mercantile borrowers, and, if the law applied only to them, he would not deny that the repeal would be injurious. Mercantile borrowers generally obtained a loan to make a profit of it. They did not borrow of necessity, but they borrowed to trade; and if they could make 10 or 12 per cent on the money borrowed, he saw no reason why the lender might not ask them to pay him 7 or 8 per cent. But if they were allowed to demand this, was there any landed gentlemen so ignorant, did any member of that House possess so foggy an understanding, as not to see that, if the monied man could lend to the trader, at a higher rate than five per cent, he would not lend to him at that sum? It was one advantage to the lender, that he could recal his capital at pleasure, or get it back at a short notice. Now, when a man lent capital to a trader, he was generally enabled to command the use of his capital when he pleased. Very often he received as security transferrable property, which he could turn into money when he pleased. But, if he lent his money on land, he could not get it back at his pleasure; there was all the trouble and inconvenience of mortgage; he could not recal it for two or three years, and therefore, in proportion as he could not command the use of his capital, when he lent it to the landed gentleman, he would thus make them pay a higher rate of interest for it than the trader. The landed gentleman would find no money-lender so pleased with his physiognomy, as to lend money to him at a lower rate of interest than he could get elsewhere; and, if this repeal enabled him to get more from the trader, was it not evident, that it would enhance the difficulty of borrowing to the land-owner? He believed he was not wrong when he stated that eight out of every ten estates in the kingdom were loaded with debt. Now, under what circumstances did the country gentleman borrow money? Was it to speculate upon? Was it to employ it at some seasonable crisis, when by a little prudence and dexterity he might obtain vast profit? Was it to sink it in some scheme where it would fructify to his unbounded advantage? No. The benefits which he could receive as its produce were fixed. He never could obtain from a borrowed sum beyond a determined profit. And here were the great distinctions between these two species of borrowers. Could any one say, that the repeal of the Usury laws would be beneficial to the latter class? But, if the terms of borrowing were so unfavourable to the landed class, what expectation could the general borrower entertain of being able to obtain a loan under any other than oppressive terms? The persons who formed this class generally stood in need of but small sums; their necessities were pressing, and therefore they were exposed to the most grinding demands. However, they had no choice; they were without, perhaps, the sufficient security, and they must submit to the terms imposed upon them, be they ever so oppressive. If there was any gentleman present who, before he became a member, happened to have owed a tailor's bill—if that gentleman had a scintilla of recollection of any such transaction, he would, perhaps, remember that he had been for a time an involuntary

borrower, and that he was obliged to yield to the ad libitum demands of the lender to whom he made application.—But, there was another most material point. It would have the effect of making capitalists engross the profits of most lucrative trades, without incurring the risks of partnership. If a man could get 10 or 12 per cent for his money by lending it on good security to a person engaged in a profitable trade, he would not become a partner in the trade, where the whole of his property would be liable, in case of failure, to the partnership debts. He would rather lend it, and then he was sure of a certain portion of the profits, if the trade succeeded; and if not, he would have a guarantee for his money advanced, to the prejudice of all other creditors. He would take the case of a brewery. A capitalist might embark his 50,000*l.* or 60,000*l.* as a loan on good security, at 10 or 12 per cent in it. The profits of the trade would be perhaps 20 per cent. He would thus secure more than half the profits of the trade without the risk; and, if the trader failed, the other creditors must be the losers. This showed not only the great inconvenience, but the evil of the proposed change. An hon. member had said, that there was no restriction on the rent of land; that the landed gentlemen might ask what they pleased for the use of it. But, he would ask the hon. member if the law, which allowed corn to be imported into this country, when the price was 80*s.*, was not fixing a maximum on rent? Beyond that, the landed gentlemen could not demand a rent. It was because he thought the repeal proposed unseasonable in time, and pernicious in principle, that he should move, that it be read a second time this day six months.

Mr. Serjeant *Onslow* combatted the illustration of the Solicitor-general, drawn from the corn laws, and contended, that this was meant not as restriction against, but in favour of, the landed interest. He hoped his learned friend would not raise this argument in favour of the corn laws, as he would find it not very palatable to the country gentlemen. His learned friend had talked as if money-lenders were men who never looked but at the rate of interest promised them. Such a class of men had never existed. All who had money to lend, looked both at the rate of interest and the security for paying it; and it had long been the case, that men with a less certain security, such as mercantile men, could not borrow on as favourable terms as those who, like landed gentlemen, had better security. The learned member seemed also to think, that a lender could at all times have what he asked, and that the rate of interest was entirely fixed by the wish of the lenders. He had taken no notice of the competition of lenders. If this were as the learned gentleman had stated, how was it, that at present, when the legal rate of interest was 5 per cent, men lent their money much below that rate? It was clear, therefore, that some other principle besides the will of the lender, settled the rate at which the rent of money was to be paid. This principle was partly the competition among the lenders. Money was like land or houses, which, when men borrowed, they paid for the use of; and as the rent both of houses and land was unrestricted, he did not see why the rent of money—for there was nothing magical in the term interest—should not be equally so. It could not be denied that the best and readiest security which could be offered for money at the present day was land. The fact was, that money could be at all times obtained on good security, at its fair market value. To reduce it to that value, or to prevent its being carried higher than that value allowed, the present measure was introduced. The land-owner and the merchant could now obtain it at its fair price; but as to the person who had no security to give, he did not know any change of the law which could put him into a better situation with respect to the terms on which he could obtain a loan, than he was at present. He contended, that, on the ground of good policy, there was no just cause for continuing the present laws. We had been in the habit of lauding the wisdom of our ancestors; but that wisdom did not introduce any law for fixing any rate of interest for money until the reign of Henry 8th. This act was repealed in the reign of Edward 6th; but the statute of Henry 8th was renewed in the reign of Elizabeth. But it was the opinion of the ablest men in that and the preceding reign, that no interest ought to be taken for money. So much for the wisdom of our ancestors. Since those days, however, the principles of commerce were better understood, and a value was fixed upon money. That value, he would contend, ought to be left to the effect of competition in an open market, without any legal restriction whatever.

Mr. *Robertson* opposed the proposed repeal, and contended that it would be highly impolitic to do away with a fixed rate of interest. Such a principle was at variance with the doctrine of Adam Smith, which it had of late been too much the fashion to condemn. He would lay down a rule which he thought would satisfy all who were conversant with this subject. There was in every country a certain rate of profit in commercial transactions. In this country he took it to be about 7 per cent. In retail trade it was, of course, more. Now, a man who borrowed at 5 per cent had 2 per cent profit; but if he gave 7 per cent interest, he must be inevitably ruined. Yet if the usury laws were repealed, he would be induced to do so; and once driven into that condition, there would be no escape for him. It was the duty of the legislature to protect this class, and he should therefore vote against the repeal. He contended, that all civilized nations had found it necessary to protect their subjects from usury, and fix the rate of interest. It was a departure from this salutary principle, in some of the free states of the continent, where a higher rate than 5 per cent had been allowed by the law, which had caused their ruin.

Captain *Maberly* supported the bill, because he considered the present system of laws to be unjust, impolitic, and open to constant evasion.

Mr. Alderman *Heygate* opposed the bill, as injurious to the various interests of the country, and especially ruinous to the small traders. The present law was not constantly evaded. If it were, this bill would not have been deemed necessary by those who had now pressed it upon the House.

Mr. *Maberly* maintained the necessity of a repeal of the usury laws.

Mr. *T. Wilson* contended that no case had been made out for the bill; and that, if carried, it would unhinge all the existing pecuniary relations in the country.

Mr. *W. Smith* contended, that the bill would not be detrimental to the interests of the country, since none of the ministers, who were the guardians of those interests were present to oppose it. He looked upon their absence to be a convincing proof that there was no danger in the measure.

Mr. *Wynn* said, he had so often stated his sentiments to be favourable to this bill, that he should not have risen to say a word in defence of it, had it not been for the allusion to the absence of his hon. colleagues. He believed that all of them considered the bill as one which would greatly advance the public interest. His right hon. friends, the chancellor of the Exchequer, and the president of the Board of Trade, had on more than one occasion, defended the policy of it; and he was confident that all his colleagues, with the exception, perhaps, of the right hon. Secretary for Foreign Affairs, who, to the best of his knowledge, had never taken the question into his consideration, were strongly in favour of it. They had left the House, because they anticipated that the division on the bill would not take place till a late hour, and that their presence would not be wanted to render the question successful. He had stayed behind at the request of his right hon. friend, the president of the Board of Trade, to declare the opinion of ministers on this bill, in case such a declaration of opinion should be rendered necessary. Much had been said of the wisdom of our ancestors. These acts, however, were in the spirit of other acts passed at the same time, which we had now beneficially got rid of. The constant mistake in former times was, the belief, that those transactions could be regulated by law, which, it was now found, were better regulated by themselves.

Mr. *Bright* was exceedingly afraid of the removal of these laws, not on account of the country gentleman or merchant, but the influence they had on the comforts of the middling and lower classes.

The House divided: For the amendment 45. Against it 40. Majority 5. The second reading was accordingly put off for six months.

HOUSE OF COMMONS.

Friday, February 18.

THAMES QUAY.] Colonel *Trench* presented a petition for a bill for the erection of a Quay on the banks of the river Thames.

Sir *Joseph Yorke* observed, that the House were, perhaps, not aware that this petition regarded the Quay which his hon. friend, by whom it was presented, had projected. He trusted, however, that his hon. friend would not sacrifice the substance for the shadow, or allow his taste utterly to supersede his judgment. He was a great admirer of his hon. friend's talents. No man wrote better; few men

spoke better; he drew admirably; but he hoped the House would pause before they allowed his hon. friend to draw on the pockets of the public in support of this extraordinary scheme. His hon. friend seemed to forget, that with all his pillars, with all his arches, with all his promenades, with all his flower markets, with all his fruit markets, with all his essences, his plan would create simply a receptacle not alone for the dissolved granite of Mr. M'Adam, but for the offensive filth which this great city was constantly pouring into the river, and which, so accumulated, would, in all probability, occasion a pestilence.

The petition was referred to a committee.

Unlawful Societies in Ireland Bill—Petitions respecting.] Mr. *Spring Rice* presented a petition from the Catholics of Limerick, against the bill. The petitioners declared, that the Catholic Association had contributed, in the greatest degree, to the tranquillity of Ireland. In the prayer of the petition, he most heartily concurred.

Sir *J. Newport* presented several petitions in favour of the Catholic Association. The English members, he said, might satisfy themselves that the bill would not affect Ireland merely; but would establish a principle on which the liberties of Englishmen might, at some future period be invaded. The measure was called temporary; but it was evident that it would be co-existent with the unjust denial of Catholic rights.

Sir *T. Lethbridge* said, he had been commissioned to present the petition of about 3,000 inhabitants of the city of Wells, and its vicinity, stating their alarm at the proceedings of the Association, and that, although they were friends of religious toleration to its utmost extent, they were averse to granting political power to papists: they contended also, that the tendency of the proceedings of the Association was, to bring about a revolution in the country, and they prayed, therefore, that measures should be persevered in for putting it down. In that prayer he entirely concurred, and he was quite sure, that if the bill were not passed, the table would be covered with petitions from all parts of the kingdom, expressing the fears of the inhabitants of the dangers likely to arise from the continuance of the Association. He saw nothing in the proposed measure likely to violate the liberties of the subject, and it should therefore have his cordial support. As a motion was about to be made for hearing certain members of the Association at the bar, he would only say, that, if it were carried, he should put in his claim on behalf of other Associations to be also heard. It would surprise him much if the learned gentleman were successful, especially as, not three sessions since, he had supported a proposition of a directly opposite nature.

Mr. *Brougham* wished to take that opportunity of putting the House in possession of some information regarding the petition which the hon. baronet had presented. The mode in which a petition had been got up, and the arts used to obtain signatures to it, would not influence his vote on the question of receiving it; since it was the undoubted right of the subject to petition. That under consideration was one of the very few on behalf of the foolish clamour of "No Popery," and "the church in danger," and a few anecdotes respecting it would serve to shew the weight the invaluable document deserved. His information upon this subject came from a gentleman of considerable rank in the neighbourhood of Wells, and not very likely to misrepresent the facts. The petition had been sent forth from the office of an attorney, the agent of the hon. baronet. He did not say that the petition was prepared by the attorney in his capacity of agent, but it certainly issued from the office, or perhaps, more properly, officina of a respectable solicitor, who happened also to be the agent of the hon. baronet. His correspondent further mentioned, that this individual had interested himself in the matter as agent also of the Wells' party, which was raising the cry of "No Popery!" to serve an electioneering purpose against the present members, Messrs. Tudway and Taylor. It appeared that this agent had ridden many miles to get signatures to the petition. "In one instance," said the writer of the letter, "he stopped at a school close to my gate, and asked the master of it to get him all the names he could, without even giving him a copy of the petition. The schoolmaster to oblige him, agreed to do it, and forthwith put down all the names of the scholars who could not write, and induced those who could write to affix their signatures. Some of the boys afterwards went home bragging that they had signed for brick and

mortar." According to the electioneering cant, "brick and mortar" was a nick-name for the party opposed to the sitting members. Having thus addressed himself to persons of one period of life, the agent thought fit to call in the aid of individuals of a more advanced age, and accordingly next repaired to a knot of old women, whom he frightened by telling them that the Irish Catholics were coming over to cut their throats. Notwithstanding their importance in the state, the signatures of these venerable matrons could not be taken, but their assistance was employed against their husbands, who, though they entertained no apprehensions themselves, yielded to the soft persuasion of the gentler sex, and were thus prevailed on to sign their names to the petition. Others had been informed that they were signing for the church, which was threatened with danger; but he believed that none of the canons of Wells, nor well-educated persons, generally, had taken any trouble upon the subject, leaving it only in fact to "brick and mortar." No doubt, other petitions might be got up, and other arts used to get them signed; but it could not always happen that such evidence of the practices of a party could be procured. He was conscious that no petitions ought to be treated with disrespect. He would receive, hear, and print them, if it were only for the sake of securing a fair hearing to those millions, who would soon address the House on this subject for themselves.

Sir *T. Lethbridge* felt great surprise at the contents of the letter from which the learned gentleman had derived his information. He was not aware of any unworthy practices in getting up the petition; and it was rather extraordinary that the learned gentleman had not given the name of his correspondent. It might be found that his anecdotes were derived from no better authority than a country school-master, or, perhaps, one of his pupils. The petition which he had just presented had been signed, to his knowledge, by magistrates and clergy, and by some of the most respectable yeomanry in the neighbourhood of Wells.

Mr. *Brougham* fully acquitted the hon. baronet of all knowledge of the proceedings to which he had adverted. The letter was written by a person of rank, fortune, and high connections, and not by a school-master.

Mr. *M. Fitzgerald* presented a petition from Kilnemana, in favour of the Catholic Association. It was signed by persons of rank and of great landed property, and, among others, by lord Kenmare, who was descended from ancestors distinguished for their devoted loyalty. Several of his near relatives, after having bled for their country in her battles, had returned to Ireland on the peace, and had put themselves at the head of their tenantry to preserve tranquillity. The appearance of the name of this nobleman to a petition in favour of the Association, was a proof that it possessed the general confidence of the Roman Catholics.

Sir *F. Burdett* said, that he had been intrusted with a petition from several members of the Catholic Association, praying a hearing at the bar against a penal enactment which affected all their fellow-subjects, and inflicted upon them an unmerited stigma. As the subject was about to be discussed, he should content himself with saying, that justice to the petitioners, and even to the House, required that before sentence were passed, the parties accused should be heard.

UNLAWFUL SOCIETIES IN IRELAND BILL—MOTION FOR HEARING ROMAN CATHOLIC ASSOCIATION AT THE BAR OF THE HOUSE.] Mr. *Brougham* said:—In rising to submit to the House the proposition of which I gave notice last night, I feel the anxiety naturally to be expected in an individual who, in the absence of a more powerful advocate, undertakes to call the attention of the House to one of the most important subjects that has ever been brought forward. At almost any other period, and with almost any ordinary measure, so far from regarding the motion with which I shall conclude as matter of argument and grave moment, I should rather have considered it a mere matter of course. In all common cases it seems to have been consistent with the forms and practice of the House, and befitting its wisdom and its justice, never to condemn any party until they have been heard. If accusation has been brought forward, the course, I apprehend, has been, not to refuse the party an opportunity of refuting what had been laid to his charge. But, from some symptoms of a disposition to hurry and impetuosity, which I fancied I discerned in the manner in which the measure against the Catholic Association was propounded, my mind has received

the most painful impression, that the proposition I am about to make, instead of being conceded as a matter of course, is about to be resisted with as much pertinacity as any the most controverted part of the question. I find to my unspeakable astonishment, that some hon. gentlemen are not satisfied with having made up their minds upon a hasty, in part refuted, in part corrected, statement of facts, the only basis upon which the measure can be rested at all, are determined to go still further, and to refuse to be convinced. When the facts adduced are proposed to be investigated—when the parties charged demand an inquiry—when the accused come before you, and say, "Strike, but hear!" those same hon. gentlemen who so readily swallowed the statement, already found capable of disproof to a great degree, even without inquiry, are prepared to go much further, and to say, "Decide against you we will, but hear we will not." This one sentence is the cause of the alarm and anxiety I feel; for I cannot disguise my conviction, that a question of more fearful import never was submitted to parliament, if the House shall be disposed immediately and at once to reject the prayer of the petitioners. Good God! are you to resist the prayers of six millions of people who claim an opportunity of vindicating themselves from unjust aspersions? Are you to throw the doors of this House wide open for the hearing of private complaints—to allow counsel and witnesses in matters of comparatively small moment—and in this great case, to convict, sentence, aye and execute at once, without trial? I cannot bring myself to believe that this House will incur so frightful a responsibility. Then, let us look to the situation in which we are placed. I propose attempting once again to go into this great and portentous subject; and I derive to myself even a sort of encouragement from this circumstance, that the more monstrous the alternative, the more impossible for me to believe that I shall find it adopted. And, notwithstanding the time and attention which this House has devoted to this subject, notwithstanding that night after night petitions have been presented, and discussion has taken place in every stage of this ill-omened measure, it is my opinion, that further discussion is necessary, because the question I am now about to submit, with all the earnestness which I think the importance of its reception, and the tremendous consequences of not granting this demand, call for, seems to me to stand clear from all other questions upon the merits of the bill. If this bill is to pass, I should be most anxious to pave the way for it by hearing the parties at the bar. The more important the question—the more dreadful the consequences—the more anxious do I feel to adopt this course; because, if you bring in the measure after this, you take away all possibility of cavil from your door, and prevent any man from saying, that you have condemned the Catholic body unheard; because these rights of the Catholics can only be consistently abridged and taken away upon the ground of facts. Facts have been stated to exist; but I am authorized to tell this House, that there is a cloud of witnesses ready to disprove them. This is not like any ordinary question with respect to foreign trade. It is unlike a question as to the consolidation of the Excise and Custom laws, or any other question on which a man who reads the statutes on the subject would be sufficiently informed. It is not like the abuses in the court of Chancery. And here came in the argument as to notoriety. When the hon. member for Lincoln presented his statement as to the abuses in the court of Chancery, he laid facts before the House, and backed those facts with all those powers of eloquence, ingenuity, and ridicule, which belong to him. Is it not too much, then, to refuse the admission of facts on the present occasion? The Catholics of Ireland are anxious to meet this question fairly. They have got evidence to contradict the allegations against them; and they authorise me to tell this House, that they have a cloud of evidence, parole and documentary, with which they are ready to substantiate every particular of their most crying wrongs. It is much, then, to refuse to hear them. It is much, on the statement of an individual, pledging himself that he is so authorised to produce evidence, to say "we must go on; we don't care one rush for your evidence; a delay of even forty-eight hours would be dangerous; we don't want to see these petitions; we have ill-treated the Catholics—we had rather not come face to face with them—we have done them harm enough already—we are determined to carry the bill, and therefore we will add insult to injury." Sir, I entertain no manner of doubt, that if you open your doors to this evidence, you

will shut them to this bill. Now, Sir, example is worth more than reasoning; and, I think I can shew you, that even a slight subject may admit of a good deal of light. The House cannot forget the choice collection of facts introduced by the right hon. gentleman. In the case of Hanley the soldier, when I first heard of it, I understood it was a case of prosecution by the Association, overwhelming this poor man by a combination of all the weight and influence of the Catholic body, and supported by the purse formed by the Catholic rent. That was the gist of the argument; and when you were told that all this religious feeling was armed against him for the purpose of overwhelming him, would not every man in his senses have supposed that Hanley was both a Protestant and an Orangeman? I never doubted it for a moment; but, Sir, he was a Catholic and an Irishman. The Association prosecuted this Catholic for administering unlawful oaths; and thus, you see, how good it is to inquire into facts, and not rush ignorantly into opinions and measures when evidence can be adduced; and I challenge the strictest inquiry—I invite the closest cross-examination. When that evidence is thoroughly sifted, I pledge myself to quiet the assertion that the Association is decidedly hostile to the church establishment. So far from that being so, the most eminent individuals among those who compose that Association, however sincere their love may be for their religion—how much soever they may smart under the established church, deprecate the idea of transferring one tithe part of one tithe sheaf from the Protestant to the Catholic hierarchy. Why, Sir, this speaks volumes. Now, these are samples of the evidence we are prepared to produce; and I desire to be distinctly understood, that there is no pretence for saying that delay is our object—that we wish to postpone the second reading. I desire it to be understood that the witnesses are all here in London. Between twenty and thirty of them have already arrived, and before the House has gone through the examination of them the rest will be here. It is not to make a speech that they come here. The most splendid talents have never been denied them. But, it is not to hear them declaim, or to hear them reason, that they wish to come to the bar of this House; but to clear their conduct; to explain their motives; to vindicate their Association; to vindicate their countrymen; and to maintain their own religion; all which have been aspersed. These are the objects they have in view. But, however unwilling you may be to hear them clear themselves at your bar, I am morally certain, if you acquiesced in the prayer of their petition, that you would come out of the inquiry much better satisfied with yourselves; and those who represent the Catholics would depart from your bar, whether successful or not, carrying to their countrymen, affection, gratitude, and delight at your treatment of them. With this measure, all that you can do is to gag the people of Ireland. You increase their penal disqualifications, while you refuse them justice. I am not now talking in the language or spirit of party; but I ask when, in the history of this country, had you a better opportunity of conciliating the Catholics? You have the most distinguished members of the Association; you have, in fact, all the Catholics of Ireland offering to solemnise a compact of conciliation. If you refuse to accede to this proposition, you incur consequences which the youngest man among you may live to deplore. It may be well for you to wish to get rid of this Association. It may be well for lord Liverpool not to see Mr. Macdonnell; though one day he receives the Secretary of the Society of Antiquaries, another day the Secretary of the Bible Society, another day the Secretary of the Society of Arts, and several others, no one of which, with the exception of the Society of Arts, is chartered, any more than the Catholic Association. Now, Sir, I cannot help thinking, that this will be the greatest mistake that ever you committed: even greater than the one you committed in 1776. You did not then know the character of Dr. Franklin. You did not then know that he enjoyed the confidence and regard of his countrymen. The principal charge now is, that these men are unanimously chosen as the representatives of the Association. We know they represent the Association; but the Association virtually represents the Catholic body. And that, you say, is the reason why they must be put down; but I say, when they are known to possess the confidence of the Catholics you ought to be glad of an opportunity of making a treaty with Ireland, through the medium of these men. This may be done easily and speedily, if you hear their statement. If you examine evidence, one of two

things will of necessity happen; either you will grant the prayer of the petition, or you will reject it; but you will reject it, after a kind and consolatory process. Now, Sir, I am here met with one objection. I am told there is no precedent. For myself I fairly say, that, that circumstance would not abate the fervour of my resistance, because, in my opinion, it is an unprecedented case. Because it is a new case, the necessity to resist it is the greater. We lost America by following a precedent. In 1776, what took place with respect to the Stamp act? That was a case of petitions against the Stamp act, which was a general law. Those petitions came from the Americans abroad and in London, and were referred to a committee of the whole House. An examination took place in 1776, when the memorable testimony of Dr. Franklin was given. That examination ended in the repeal of the odious law. So that the House not only examined witnesses; but that examination was followed up by the repeal of the obnoxious measure. Afterwards various petitions and remonstrances were presented against the Boston Port bill. The learned gentleman here read an extract from the Journals of the House of Lords, expressive of the motives which induced the House not to accede to the prayer of the petition. He also read the protest of lord Fitzwilliam, the duke of Portland, and lord Rockingham, on that occasion, and proceeded to the following effect:—Dr. Franklin, who was here at that time, says, in one of his letters to his friends, "My object is to save the glorious fabric of th British empire from being destroyed by these calumniators," &c.; and those who preached up in those days, the governing of men by their affections, were held as fanatics, wholly unworthy of attention. The consequence was, the prayer of the petition was rejected, and an eminent man was maltreated. This, with other causes, had led to the great struggle between that country and this; and it was not until seven or eight years afterwards, and after thousands of lives had been lost in the struggle, that the government of this country awoke to its right senses, and that, as my hon. friend, the member for Westminster, had said, the brightest jewel was plucked from the British crown. For my part, I cannot but rejoice that so magnanimous a spirit was then shewn to the world on the other side of the Atlantic—that millions of freemen were found unanimously struggling for liberty—and that so noble an instance was then put forth of a great community governing themselves freely and economically without tyranny either in church or state—a people uniting a degree of magnanimity with their acts of legislation, to be paralleled by nothing that was to be met with in modern times, and which went near to wipe off the stains that had blemished the name of a republic. Sir, I do think that these precedents are sufficient for my case; but if they be too remote, there are precedents in point within the recollection of the youngest member of the House. We can all recollect the Orders in Council of 1808, on which counsel were heard at the bar of the House, and where I had the honour of appearing before I had a seat within these walls; and though I then failed for the petitioners, it was not without its good, for great was the experience I gained on this subject from that circumstance when I had the good fortune, some time after, to destroy those very orders. I call on you, for the same reason, to admit the evidence now offered at your bar. It will throw the light we want on the situation of the people of Ireland, and give them an opportunity of ascertaining the feelings and intentions of parliament towards them. It will awake, for the first time, a mutual sympathy between us and them. Here are we, the representatives of the people of England—there are they, the representatives of the Catholic community of Ireland. Let us for the first time become acquainted with each other's feelings, wants, and power, and I promise you, Sir, that the result will be, to banish doubt and discontent, and to create better and much kinder feelings between the two countries. Surely the House should not oppose this hearing. All that I ask is, that the same favour should be bestowed on six millions of Roman Catholics that was granted to the hawkers and pedlars of England. Let them, as the hawkers and pedlars have been, be heard by their counsel and witnesses. The cases are not altogether opposed to each other. Each party came before the House complaining of grievances, and I find, in the petition of the hawkers, a sentence that might have been, with propriety, copied into the present petition:—"Your petitioners have heard, with the utmost astonishment and afflic-

tion, that there is a bill before your House for their utter extermination, untried, unheard, and uncondemned: we claim, therefore, as our birthright, and as free citizens of the state, to be heard by counsel and witnesses." Now, that is the exact case of the Roman Catholics of Ireland. In 1785, you admitted counsel for the hawkers and pedlars of the country. All I ask for the people of Ireland is, that you grant them a similar indulgence. Let me implore both sides of the House to take up this petition with temper and moderation. Let us forget all animosities on the subject. Let it be recollected, in the course of this debate, that the present opportunity is given to us for the happiest purposes. Let us look upon it as a God-send, which if we lose we may never regain. And, whether we pass the bill or reject it, the safest way to pass it, as well as the only ground upon which to reject it, is to examine into the truth of the representations on which it is founded. If you hear these men personally, become familiar with their wrongs, and obtain all the information necessary on the subject, from the examination of witnesses at your bar, whether you pass this bill or not, you will lay the foundation of a lasting, and, in every respect, unexceptionable conciliation. I move, Sir, "That the Roman Catholic Association be heard by themselves, their counsel or agents, and witnesses, at the bar of this House."

Sir *F. Burdett* seconded the motion.

Mr. *Wynn* objected to the motion, on the general principles of the usage which affected all these questions. The learned gentleman appeared to suppose that the opposition to his motion would arise from a desire on the part of ministers to press the bill with unusual speed. He hardly thought that a fair conclusion, after the patience that had been exhibited during the protracted debate of four nights, and though he did not attach any blame to those gentlemen who had so prolonged the debate, yet, he might fairly use it as an argument, to shew that there was no inclination in government to press the bill. Even after that debate, the second reading had not been immediately pressed, but a notice of a week had been given, and at the suggestion of the learned gentleman, a further delay had been consented to. The chief complaint of the petitioners was, that they were to be condemned unheard; but, if he had found in the bill one tittle, that applied more to the Catholics than it did to the Protestants, it would never have obtained his vote. It was a general measure, and by no means applied to the Catholic Association in particular. It was his wish that all Associations should be put down, which under the garb of religion, were, in fact nothing but bodies instituted for political purposes. If they were allowed to exist in Ireland, that country would be still more divided than it was at present, and what they had hitherto witnessed would be trifling to what was to come. The learned gentleman had alluded to a local measure respecting the states of America, that they had been without their representatives; so likewise, with respect to the Catholics, it might be said that they had no actual representation, but surely there could not be a doubt that there were very many members of that House willing to support their claim. With respect to the precedent that had been cited of the hawkers and pedlar's petition, that had reference only to certain individuals; and in the same manner, if the present bill had only reference to the Catholic Association, that would have been a ground for the House to have exercised its discretion upon. An instance more in point was, the bill that had been introduced to regulate polling at elections. The electors of Westminster had, on that occasion, requested to be heard by counsel, but Mr. Pitt had opposed the prayer of the petition, on the ground, that there was nothing to affect their election more than that of any other place throughout the country. He had been the more surprised at hearing the arguments of the learned gentleman, than he should have been from any other person; for it was scarcely three years ago when he (Mr. W.), having occasion to present a petition from a person in behalf of other persons who were not able to petition for themselves, being in a state of slavery; on which occasion the learned gentleman had objected to the petition, observing, that if such a prayer were granted, any person might come forward with a similar claim, as representative of the people of England. With respect to the case of Hanley, he did not know whether that person was a Catholic or a Protestant —whether he was guilty or not guilty— but he did know that it was a subversion of the rights and privileges of the British people for any body of men to express an

opinion on a case before it had come before a jury, who were bound by oath to be unbiassed in their decision. He did not rest his opinion on the private statement of facts, but on the public declaration which had been made, that one of the objects of which was to interfere with the administration of justice. He did not care whether the cases selected by that society were well chosen or ill chosen; his grand objection was to any Institution protecting one class of men and persecuting another. He would not therefore press into his service any of the facts that had been urged in the course of the preceding debate, contenting himself with the simple declaration that had been made, persuaded, that if that Association were allowed, other Associations must be allowed, which, if they were nothing at present, would shortly become real in their operations, and be multiplied tenfold throughout the country. It was upon these grounds that he formed his opinion, that no statement of facts would be sufficient to alter his feelings on the question. He thought that the House was bound to follow up what had already been done, by an act applying directly to Ireland; and that if it conceded to the prayer of the petition, the same privilege might be claimed by every Orange lodge throughout Ireland.

Sir *Joseph Yorke* observed, that though he had not been accustomed to speak on the affairs of Ireland, he had thought much about them. If, indeed, the learned gentleman could prove to him, that by hearing counsel, the two countries would shake hands, never to separate, he would sacrifice every thing to such a result; but he had happened to hear the same thing repeated many times these thirty years, and had never yet witnessed any effects springing from it; neither did he think, that if it were rejected, it would cause any sensation in Ireland. In 1798, during the disturbances in Ireland, he had commanded a frigate off Cape Clear, for the purpose of preventing foreign supplies being landed on that island; and it had been observed to him, that that country would never be quiet until it had been twenty-four hours under water. In fact, much had been done for Ireland. Out of the fifty-four millions that were raised for the support of the state, only one-seventeenth part fell upon her; and a few years ago, when her population was in a state of starvation 500,000*l*. had been subscribed for her out of the pockets of the English. Still, however, the Irish people were discontented; but they were told, that if they would grant them thirty representatives and allow two or three of them to fill offices in the state, they would be contented. He believed no such thing. He did not think the Roman Catholics cared two bad potatoes for such relief. He was willing to take the cabinet's word for the necessity of the present measure. Ministers had a better opportunity of ascertaining the true state of Ireland than he had; if they said that such a measure was necessary, he should feel satisfied that he was giving a right vote in supporting the bill.

Mr. *Hobhouse* was certainly surprised at what had fallen from the last speaker, though he was at the same time glad to know to what lengths he was inclined to go, knowing, as he did, how good a heart the gallant admiral possessed. It appeared to him, that the measure about to be adopted was extremely ill suited to the time, and he began entirely to despair for that ill-fated people, though he begged leave to inform the gallant admiral, that the manner in which he had supported the bill was not one for which the right hon. Secretary for Ireland would thank him. It was not the language that had been used by that right hon. gentleman, nor by the Attorney-general for Ireland, nor by the Secretary for Foreign Affairs, whose opinion must be taken in some degree as to the justice necessary for the Catholics of Ireland. He did not mean justice in its fullest extent, but the justice that was to be allowed by the Protestants to the Catholics of Ireland. Had the Catholic Association done nothing more than the promoting the present inquiry, it would have done much for its suffering country. It had been urged against them, that they had used every method to call the attention of government, and, was this to be a reason for not attending to their prayers? He thought that, instead of finding fault with such endeavours, they were rather deserving of the highest praise at the hands of the House, for their continued exertions. He had not been aware that the gallant admiral had been engaged in the cruizing party off Ireland; but such being the case, he could not but think it was a pity that his cruizing had not been to a little more purpose, for the French, in spite of all the skill displayed by the gallant

admiral, had contrived to effect a landing. His learned friend had very naturally supposed, that the right hon. President of the Board of Control would arm himself with precedents; but, the precedents which had been cited by that right hon. gentleman were just as good as those of the right hon. Secretary; that is, they were equally worthless and irrelevant, "Et tu vitulâ dignus, et hic." Some objection had been taken to hearing the friends of a party on a particular question. In this case, however, it was not the friends of the party, but the party themselves, who sought to be heard. When this measure was first alluded to by the Secretary for Foreign Affairs, he distinctly stated, that he did not consider the Association as representing, even virtually, the people of Ireland; and yet the Secretary for Ireland, and the Attorney-general for Ireland, founded the whole of their arguments on the presumption, that the people of Ireland and the Catholic Association were so firmly knitted together, that without putting one down it was impossible to maintain the other in subjection. He would ask, whether any man in that House was bold enough to say, that he was cognizant of what had really taken place in the Catholic Association? It was well known that the Irish Attorney-general had prosecuted Mr. O'Connell for words reported to have been spoken in that assembly; and though he must have possessed every means of ascertaining the truth, he could not get a Protestant, and probably an Orange Grand Jury to find a bill against that individual. Under such circumstances, could any case be more worthy of examination than that which the petitioners now sought to have fully investigated at the bar of that House? His learned friend had alluded to a parallel case, when the late king recommended the parliament to take measures for suppressing certain proceedings that had taken place in the province of Massachusetts, which were subversive of the allegiance due from that state to this country. There was a curious circumstance connected with the discussion on the king's Speech, which took place on that occasion, which he begged leave to state to the House. A gentleman on the ministerial side of the House produced a resolution of the assembly of Massachusetts, which was unquestionably of a rebellious character. After some strong observations had been made on that resolution, Governor Pownall asked, whether it would not be as well to ascertain whether that resolution had ever been passed; and although he pledged himself to prove that no such resolution had been passed, the usual address in answer to the king's Speech was carried at four in the morning; from which address might be dated the downfall of the British empire in America. Let the House pause, therefore, before they proceeded to pass a measure of restriction and coercion against the people of Ireland, upon a mere allegation of words spoken during the heat of public discussion. The right hon. gentleman opposite had said a great deal with respect to the effect of the Catholic Association, in interfering with judicial proceedings and prejudging the cases of individuals, who might be prosecuted by its influence. The most erroneous notions prevailed, however, with respect to what was called prejudging the cases of individuals. What was the constant practice of parliament? In the case of the Manchester riots, were not the character and conduct of Mr. Hunt canvassed again and again in the most inflammatory discussions, months before he was brought to trial? In cases of libel, where a criminal information was filed, was not the opinion of four Judges, that the writing in question was a libel, published in all the newspapers, and could it be doubted that that opinion frequently had a great effect upon the jury when the individual was brought to trial? The coroner's inquest, the finding of a bill by the grand jury, the ordering of a prosecution by that House—all these proceedings were, to a certain degree, prejudgments. The character which had been given by the Attorney-general for Ireland himself of those who now sought to be heard at the bar of that House, was a strong reason for granting the prayer of their petition. He had not only applauded the Catholic Association generally, but had pronounced a special panegyric on the distinguished individual of that Association who now demanded to be heard by that House. The true reason for refusing the prayer of these petitioners was, that government had already made up their minds to pass the iniquitous measure. This was evident from the conduct of lord Liverpool, in refusing to see Mr. Eneas Macdonnell, who had requested an interview with him

on behalf of the Catholic Association. The fact was, that the bill was resolved upon at the time of that application. The conduct of his majesty's ministers reminded him of that of the Abbé Vertot, who when he had shewn his account of the siege of Rhodes in manuscript to a friend, and that friend had pointed out to him several palpable inaccuracies and misrepresentations in it, replied, "Je n' en doute point, et j'en suis faché, mais que voulez vous? Je l'ai fait." So the error was already committed; the wrong was already resolved upon by his majesty's ministers, and they were determined not to retrace their steps. He had not heard a single instance cited on the other side of the House, in which the prayer of a petition similar to that now before the House had been rejected. He implored the House, therefore, to pause before they proceeded to pass, without inquiry, a bill pregnant with danger to the best interests of the empire. The descent was easy, but a return might be impossible.

The *Solicitor-General* contended, that no sufficient ground had been shown for acceding to the prayer of the present petition; and that it ought not to be acceded to if it could be proved that there was such a basis of facts as warranted the House in legislating against the Catholic Association. Now, there were many facts which were admitted, or which no attempt had been made to deny. In the first place, his hon. and learned friend opposite had admitted, that the Association virtually represented the people of Ireland. Next it had not been denied, that the avowed purpose for which the Association had been formed, was the redress of all grievances, local or political, which affected the Catholics of Ireland. Consequently, the existence of a body acting not indeed in form, but virtually and substantially, for the redress of all local and general grievances, was a fact admitted on both sides. The hon. member for Westminster had taunted the government with legislating upon a mere allegation of words spoken; but this he denied. The resolutions of the Association, which had been ventilated through all parts of Ireland, furnished decisive evidence of this fact. In the next place it had been substantially admitted that the Catholic Association had appropriated to themselves a perfect financial character; for he considered the distinction which had been taken between finances raised through the medium of taxation, and those raised by way of voluntary contribution, to be flimsy and nugatory. Another point which had been admitted was, that it was one of the objects of the Association to interfere in judicial proceedings, in behalf of any Catholic, whose case they might consider entitled to such interference. All these admitted facts furnished a sufficient gravamen on which to build the present measure. He begged leave to classify these data; and first, with respect to the interference of the Association in judicial proceedings. It was admitted, that the funds raised for this purpose were collected throughout Ireland, and that almost every Catholic contributed his quota. This contribution was of itself sufficient to incapacitate any man so contributing, from acting as a juror, in any case where a Catholic might be concerned. He would suppose a case, where the Association might declare that a murder had been committed by a soldier. In such a case it would be a sufficient ground of challenge against any man who might be called to serve as juror, that he subscribed to such an Association. Every man subscribing to the Association would, in any case, civil or criminal, where the Association had taken up the case of a Catholic, be not only indirectly, but directly interested, and consequently incapable of acting either as a juror or a witness [Here Mr. Brougham expressed dissent]. His learned friend might or might not adopt his (the Solicitor-general's) opinions; he (the Solicitor-general), however, did not mean to go the length of saying, that the fact of having subscribed to such an Association would in all cases, civil as well as criminal, affect the competence of a witness. But, if the admissibility of jurors and witnesses were affected from this cause, it was equally impossible that magistrates connected with such an Association, could act as fair and impartial judges in any case where the Association had espoused the cause of a Catholic. The consequence would be, that in all questions affecting Catholics, no persons subscribing to this Association could act as jurors, witnesses, or magistrates. Again, if such Associations were allowed on the part of the Catholics, it would be impossible, without the greatest injustice, to prevent similar counter-associations on behalf of the Orange party. The Protestant party, therefore, would interfere in like manner with the adminis-

tration of justice; the Protestant party would subject themselves to similar disabilities, and would be equally incapable of acting as jurors, witnesses, or magistrates. In such a state of things the greatest enormities might be committed, and there might be no possibility of bringing the offenders to justice. He now begged to call their attention to another fact—the collection of money. It had been argued, that this collection was not compulsory, but that the money was voluntarily contributed. He, however, contended, that the collection was equally unconstitutional, whether raised by taxation, or by voluntary contribution. But, let the House consider a little how far the money was freely given. It was not disputed that a register was kept, in which the names of those who contributed, and of those who refused to contribute, were regularly inserted. How far the denunciation of the Catholic priests against those whose names might appear in the black book of refusals would operate as compulsion, he would leave it to the House to determine. The argument of hon. gentlemen opposite reminded him of an answer of Dr. Johnson to some one who observed that a congé d' élire was not an order to the chapter to elect a particular bishop, but only a recommendation. "Recommendation!" said that eminent person, "yes, in the same sense in which you would throw a man out of a two pair of stairs window, and recommend him not to fall to the ground!" When the names of the persons refusing to contribute were entered in a black book, and reported, as was not denied, to the priest, it seemed to him absurd to call such a contribution voluntary. If the priests did not actually excommunicate those who refused to contribute, it was not to be forgotten that they had the power of excommunicating; and, when they considered the entire dominion which the Catholic priests possessed over their vassal devotees, it was a fact of no light importance, that a body of 2,500 priests had the power of collecting money through all parts of Ireland. Another important circumstance was, that no person was responsible for the application of this money; the Catholic Association disposed of it as they thought fit. But, whether the contribution of money were compulsory or voluntary, he contended that it was equally illegal. It was well known that bishop Atterbury who was closely connected with the Court of St. Germain's, had raised money in this country for political purposes, under colour of voluntary contributions; raised for charitable purposes. In a certain church in the county of Kent, a number of children, who did not belong to the parish, were introduced, in order to induce the belief that the money raised on a particular occasion was for a charitable purpose, and the clergyman having been afterwards prosecuted for a misdemeanor, the judge who was a person of great eminence, held it to be an invasion of the king's prerogative, and a violation of the constitution, even to raise money in a church, by voluntary contribution, without the king's license. The defendant was found guilty, the counsel for the prosecution having offered a special verdict to the other side, if they had thought fit to go further; so that there could be no doubt that it was at this day illegal in England to raise money, even for a charitable purpose, without a license granted from the Crown. The constitutional principle on which this decision rested was, that if the Crown had not the power of the purse against the people, neither had the people the power of the purse against the Crown. He would now cite an opinion, which, though not a judicial one, could not fail to be received with the highest respect. Great as were the talents of some hon. gentlemen on the other side of the House, he was sure that no hon. member possessed greater abilities, or a sounder judgment than the late Mr. Sheridan. In the year 1794, a question arose whether the Crown could receive a voluntary subscription, a sum of money having been raised by an Association, and placed in the hands of his majesty's ministers, for a purpose voted by parliament; namely, the equipment of a naval and military armament. On the discussion of that question, Mr. Sheridan, adverting to the distinction, which gentlemen opposite were so fond of taking, between collections raised by compulsory means or by voluntary contributions, declared, that, in that case, one mode of raising money was not less a breach of the privileges of the House than the other; and that the chairman of the Association was liable to be taken up by the serjeant at arms. It was enough for him to know that this Association was the depository of money levied on the people, in opposition to every principle of the constitution. He should reserve an expression of his opinion

on the general question of Catholic emancipation, as no doubt a proper opportunity would arrive for the discussion of that question [cheers from the Opposition]. He was not aware what gentlemen meant by those cheers. He had been all his life consistent in his opinions on that subject. It was not necessary for him to explain to the House why it was that at one time he appeared the advocate, and at another the opponent of Catholic concessions, as he understood was the case with some gentlemen. Now, this was a petition, not only praying permission to bring forward witnesses, but to be heard by counsel. With respect to evidence, it appeared to him, that the House were in possession of sufficient facts to establish all the denominations he had alluded to. Now, the gentlemen in the petition told us that they were prepared to prove that no act had been done, or document issued by their body, calculated to excite alarm or exasperate animosities; so that here the House would observe, that it was not facts to which those gentlemen were desirous to speak, but to motives; and they would undertake further to demonstrate, that when the Catholic Association had circulated a declaration, that a Catholic had been murdered, it was not calculated to excite alarm. No doubt thirty witnesses might be found to state that the meaning of the word to "hate" was to "like." That to "hate" a Protestant meant to "love" a Protestant; and that to adjure one party by the "hatred" they bear another, was not calculated to excite animosities. These gentlemen did not mean to confine themselves to facts, but to matters of argument; and if a proclamation was issued, pronouncing an anticipated conviction of murder, witnesses were to be called to explain its meaning. The House must see that this was a matter of moral judgment and reasoning; and he was sure they would judge for themselves, and not take the Jesuitical interpretation of any number of witnesses, who, no doubt, were ready with a definition of the word hatred suitable to their purpose. The House would remember that about three years ago a bill was introduced regulating the mode in which public meetings should be held, popular meetings having been about that period the foci of sedition; and yet no witnesses or counsel were ordered against the bill. With as much propriety as those gentlemen, might the individual who then took the lead in those assemblies, claim to be heard at the bar, with a view to prove that seditious meetings were quite consistent with the peace of England. According to the Bill of Rights, his majesty's subjects were allowed to arm; but were witnesses called to prove that military Associations for the purpose of "drilling and training" were wise and expedient? Was he to consent to have 60, or 70, or perhaps 90 men from Ireland called before him, to tell him what was consistent with constitutional wisdom and legality. If he had not heard facts enough, he should have no objection to have witnesses called, with a view to procure facts to form a basis for this measure. His learned friend had the happy knack of associating things which had no real connexion, and relying upon his abilities in that way, he had contrived to lug into the debate the court of Chancery. He was quite at a loss to know what the object of his learned friend was, in introducing this subject, unless he wished, by calling this cloud of witnesses, to make the House of Commons imitate the delay of the court of Chancery; for certainly the length of a Chancery suit would be nothing compared with the proceeding in this case, provided the House agreed to hear counsels' speeches, and the evidence of witnesses.

Mr. *Spring Rice* said, he could assure the House and the hon. and learned gentleman, that if they would accede to the motion before them, very different evidence would be adduced from any thing they had yet heard; he was authorised to say that there were at that moment in London most respectable witnesses willing to submit to the most rigorous cross-examination, and whose evidence would prove that there was nothing in the acts of the Association to justify the passing of this law, not a single document proposed or accepted by the Catholic Association, from the first moment of its institution up to the present hour, that was not at present within reach of the House; and he implored the House as they valued their own characters, not to rest satisfied with the worst evidence when they had it in their power to obtain the best. His right hon. friend (Mr. Wynn) had said, that if this bill was levelled directly and solely at the Catholic Association, the petitioners might then have some right to apply to be heard: he thanked his right hon. friend for the admission, which was conclusive in favour of the motion, for he would appeal to the House, and to every

gentleman about him, who must answer as men of integrity, whether it was possible to believe, on the reading of this bill, that any other society was meant than the Catholic Association? Did not the whole course of the discussion clearly demonstrate that that Association alone was meant? And did not all the gentlemen more immediately connected with the Orange societies, support this measure with earnestness, as levelled only at the Catholic Association? If any other association felt aggrieved by this measure, it was in their power to petition? and he was as fully prepared to support their claims to be heard, as those of the petitioners now before the House; he was prepared to support them be they Orangemen or what else they might. It had been argued, that there was no precedent in favour of this application. He did not attach much importance to precedents, for if ever there was an unprecedented case, this was one, whereby it was proposed to inflict pains and penalties on a nation enjoying the most unquestioned, indeed, universally admitted, tranquillity [hear]. He challenged gentlemen opposite to produce from the annals of our history a single example, in which it was attempted to fetter the privileges of the people in a season of universal peace. However, although he could not admit that precedents should control the decisions of that House in a case of this nature, he had discovered some precedents which might serve as a guide to the House. It was true they were Irish precedents, and it was the fashion with right hon. gentlemen opposite to undervalue or overrate such precedents as best suited their arguments. There was one precedent which he thought particularly applicable in the present parliament, as it related to a Catholic case which ocurred in the reign of king Anne [a laugh]. He begged pardon; but without stopping to settle the mistake of the sexes, (though he begged leave to quote in justification of his blunder the glorious cry of the Hungarians "Moriamur pro rege nostro Maria Theresa"!), he would beg to direct the attention of the House to a bill introduced in 1698, which was an act of the Irish parliament, to "provide for the better security of his majesty's person and government." Now this was a pretty general measure; but in the provisions of the bill a clause was introduced which the Catholics considered affected them, and accordingly a petition was presented by lord Mountgarrett, colonel Butler and others, on behalf of themselves and of other Catholics interested in the capitulation of Limerick, praying that they might be heard by counsel against the bill; and it was not until after counsel had been heard that the bill was passed. On this occasion, one of his own blood and name, sir Stephen Rice, had been heard, and the framer of the articles of Limerick, undertook the task of defending them. In 1703, a bill was introduced to "prevent the further growth of Popery." (The present was a bill to prevent the further growth of the Catholic Association). Lord Kingsland and others petitioned against it, and the bill did not pass into a law until counsel had been heard. The case which he (Mr. Spring Rice) was called upon to argue was, that individuals not specially named in a public and general bill, but who found themselves affected directly or indirectly by its provision, had a right to petition to be heard, and had in former times been heard by their counsel at the bar of the House. This proposition was proved by the instances he had cited: but the last precedent with which he should trouble the House was still more strongly in point. In 1715, in the reign of George the 1st. a bill was introduced for "the security of his majesty's person and government," this bill contained a clause relative to the oath of supremacy, in consequence of which the Catholics petitioned to be heard; counsel were, accordingly, ordered and heard. What was the result? The counsel prevailed, and the objectionable clause was struck out [cheers]. Let it not, therefore, go forth to the world, as it certainly would if they so decided, that Catholics had been treated better in the reigns of William, of Anne, and of George the 1st. than at the present day. Before he sat down he would advert to a most curious discovery made by the Secretary for Foreign Affairs. We have been told, within a few days, that the opposition to the Catholic claims did not altogether exist in another place, or in the breast of a certain noble and learned lord; but, all of a sudden, he has found out that the whole mischief has been occasioned by resolutions proposed by an hon. friend behind him (Mr. Hume). In those resolutions, it was well known, the Catholics had no concern; and it was curious to remember, that so far were these resolutions

from meeting the assent of the more immediate friends of the Catholics in parliament, that an amendment was actually proposed by his right hon. friend the member for Waterford (sir J. Newport), that amendment provoked the discussion. But, with regard to the feelings of the Catholics on the question, a circumstance had come to his knowledge which it would be gross injustice to withhold. It went to show how delicate the Catholics were respecting any interference with the Church. The House would probably recollect, that certain resolutions, which had been severely stigmatized by the individuals who afterwards made them the ground-work of legislation, were in circulation some time ago, having for their object the reform of the tithe system. In the exercise of his duty he felt himself called upon to send a copy of them to lord Kenmare, amongst other peers, and members of the House of Commons. His lordship answered, that although, as a landed proprietor, he was as deeply concerned as other people, yet, as a Catholic, he did not wish to mix himself up with those matters; and he was persuaded that when his lordship made that remark, he spoke the sentiments of the soundest part of the Catholic body. The Catholic clergy were accused of an intention of interfering with the property of the Church: on their part he begged leave, in the most unqualified manner, to deny the assertion. This matter had not escaped the attention of those whose duty it was to inquire into the state of Ireland. A question was put to a respectable Catholic clergyman, before a committee up-stairs, to this effect: "If Catholic Emancipation was granted, do you not think that the Catholics would feel desirous to obtain, if not a monopoly, at least a participation in the ecclesiastical property?" The answer was, "By no means: for although we do not pretend to be indifferent to a comfortable provision, aware that poverty has its temptations no less than wealth; yet, with the example of another Church before our eyes, we do not think it very desirable to possess extensive ecclesiastical property, either for the sake of our character as individuals or of our efficiency as clergymen." These were the words of the excellent Doctor Collins. The House had now an opportunity of conciliating the entire mass of the Catholics by receiving the evidence tendered. They might consider that all Catholic Ireland was at the bar of the House humbly imploring them not to condemn unheard. If the House of Commons acceded to the request of the petitioners, whether it might lead to the rejection of this abominable measure, or whether the bill were afterwards passed in its present or a modified shape, it would after a fair hearing go forth, as it were, with the assent of the Catholics; they would be made consenting parties; but if they turned a deaf ear to the prayer of the petitioners, they would incur a fearful responsibility which they might yet live to repent [cheers].

Mr. Secretary *Peel* said, he should studiously avoid those topics which were connected with the general question that had occupied their attention for four nights. He must first ask himself, is the claim of the petitioners founded in justice? Is it consistent with parliamentary usage? Is it demanded in equity? and if he should find that the demand was not supported on either of these grounds, he was prepared to resist it. He wished to meet the question fairly; was the claim consistent with justice, with parliamentary usage, or was a compliance required to supply the defects of evidence? With respect to precedents, although he did not think this should be conclusive, yet, if he found they ran in one uniform stream, it was a strong implication that the general conduct of the House had been regulated with a due regard to the interests of the country. The gentlemen opposite had, in his judgment, completely failed in adducing a precedent strictly applicable to the case. He conceived the general rule to be this —if a general measure be introduced, in which parties feel their pecuniary interests affected, they have a right to be heard; the House is then like a court, adjudicating on civil rights, and they would not proceed without hearing the parties. The splendid precedent adduced by the learned gentleman, of the hawkers and pedlars, which crowned the climax of his authorities had, in his opinion, completely failed. What was the fact? A bill was introduced, affecting the interests of a certain class of subjects, and they prayed, to do what? to be exempt from certain penalties that all the rest of the community were subject to? No, but which actually deprived them of bread. But, so far from this being a case in point, the House refused to hear them.

Mr. *Brougham* said, the petitioners

were heard, as would be found on reference to the journals.

Mr. *Peel*, having referred to the journals, said, that he admitted his mistake; but this had no reference whatever to the present question, for that was a measure to impose a great additional duty upon a certain class of persons, and in conformity with the usage of the House, the parties were heard. If the present prayer was complied with, it would be impossible hereafter to refuse when any measure was proposed for the tranquillity of the country. When it was proposed to suspend the habeas corpus act, a similar application might be made. The consequence would be, that instead of discharging their deliberative functions, the time of the House would be occupied in hearing the eloquent speeches of counsel. It was well known, that the paramount object with every counsel was, not any general interest, or any enlarged principles, but the interests and designs of his client. The propriety and absolute necessity of this practice had been very emphatically enforced by the learned gentleman himself, on the occasion of the proceedings against the late Queen. He would not stop to dispute such doctrine; but, if that principle were acted upon, what would be the situation of independent members of that House? They who were not accustomed to discussion would be overborne by the eloquence of counsel. As to the advantages that would result from such a practice, he might refer the House to what took place last year, on the occasion of the Marine Insurance bill. He should not easily forget what he felt on entering the House and beholding six counsel, with large wigs, ranged at their bar. If he were to proceed by the rule of three, he should say, if the Marine Insurance company required the attendance of so many counsel, how many would the Catholic Association require? However, on the occasion to which he referred, after four counsel had been heard, there were some very supplicating looks to the remaining two counsel; but those looks were all in vain: they said that their duty to their clients compelled them to offer their sentiments to the House; and in that several hours were occupied. But, although it had been the practice to hear counsel at the bar on private bills, if this practice were applied to public matters, what would be the consequence? He remembered having heard it urged in that House, that if the House received Mr. Stephen, as an advocate for the blacks in Antigua, some other counsel would present himself at their bar as the counsel for all England, and the privilege of discussing public proceedings would be entirely taken out of the hands of the members of that House. He remembered, when a certain bill was introduced relating to the slaves of an island in the West Indies, who were then perfectly satisfied, and in a state of subordination and quiet. The object of the bill was, to enable the owner of the slaves to remove them to another island, and a gentleman appeared on behalf of the blacks to argue against the measure; but it was determined that he had received no authority from the negroes to appear in their behalf. There was a danger of establishing a precedent against general principles; and if neither general principles nor the necessity and justice of the case obliged the House to receive the petition, it was incumbent upon them not to receive it; and if the cause of their rejection of it were explained to the Catholics of Ireland, they would, he was sure, be convinced of the justice and propriety of the determination. He for one would never entertain the bad opinion of the Roman Catholics which he heard perpetually insinuated in that House, namely, that although parliament might act upon the most sound principles, they would be dissatisfied, imitate the example of the united provinces of America, and separate themselves from England. He would enter into no such views, and could not believe that this could possibly be the case. The course the House was now pursuing was founded on good sense, was called for by the nature of the case, and arose out of a well-founded fear of establishing a most inconvenient precedent. The Catholics of Ireland would appreciate the motives of the House, and would willingly submit to the voice of reason; and, in saying this, he was only giving credit to their own assertions of their loyalty and disposition to obey the laws.—As to the next point, he could not conceive that there was any ground for receiving the petition, for the purpose of supplying defective evidence. Gentlemen on the other side of the House had asserted, that there never was an instance of a bill of this sort having passed without a committee of the House, or without some communication from the Crown. He begged leave to say, that no assertion could be more erroneous. The habeas corpus act had been suspended without any

committee, or communication to the House from the Crown. The notoriety of the danger was thought to warrant the legislature in acting without any committee, without any message from the Crown, and without the production of any papers. The Convention act passed the Irish House of Commons without the appointment of any secret committee; and if Irish precedents were good on one side of the House, they were equally good on the other. True it was, that there was a committee sitting on the subject in the House of Lords; and that committee had come to a resolution, that a self-constituted body, interfering with the administration of justice, and receiving private subscriptions for the attainment of that and similar objects, was an evil not to be tolerated by government. There was then no tittle of evidence before the House; but parliament conceived the society to be a great evil, and upon the notoriety of that evil, and upon that alone, did they found their resolutions and pass their bill. Parliament also enacted the bill of 1795, for suppressing seditious societies, without any secret committee, the production of any papers, or any direct communication whatever. The preamble of that act fully proved the fact, and the doctrine he was now holding. After all the condemnation of the proceedings of secret committees, and the declamation that had been sent forth upon the subject of Green Bag committees, now that government came forward manfully, and standing upon their own responsibility, without any select committee, without any secret committee, without partial or garbled extracts, they were assailed by the other side of the House for departing from precedents and general principles. He conceived that the only question was, whether the evil of this Catholic Association, and of other associations of the same nature, were notorious or not? [hear, hear!] He was not in the least affected by those cheers: if they meant any thing, he supposed them to allude to his support of the Orange societies, and to amount to a charge against him of inconsistency. But, he could truly say, that he disapproved of all secret associations, whether bound by oaths or signs. From his first connexion with Ireland, he had uniformly expressed his disapprobation of such societies. It was well known, that in 1822 he had consented to a measure intended to put an end to all such associations. When that bill passed through all its stages, as it related to only one class of his majesty's subjects, he had heard none of those objections which were now dwelt upon by gentlemen opposite. Political combinations were then held in great obloquy, and were suppressed with almost unanimous exclamation by Parliament. If the bill for their suppression was invaded by any artifice, or if its provisions were in any respect abused, he was perfectly ready to accede to any measure which should have for its object the putting of them down. But, in passing the bill for the suppression of Orange societies in 1822, the House acted entirely upon the notoriety of the existing evil, and did not proceed upon the report of a committee, or upon any papers laid before it. What would the gentlemen opposite have said upon that occasion if alderman King had applied to be heard at the bar of the House in favour of himself or of his Orange Association? Would not the hon. gentleman opposite have treated the proposal with the utmost contempt and indignation? And, where was their consistency in being now so vociferous in favour of the opposite association being represented at their bar?—With respect to the present measure, he denied that it was a condemnatory bill. If it was a bill of pains and penalties, no person could doubt the right of the association affected by it to be heard at the bar by counsel. But such was not its character; and yet the learned gentleman had thought proper to give the bill the appellation of a condemnatory bill, in order to make out the title of the petitioners to the privilege for which they had applied. Again, with respect to Tithes; if, when the bill upon that subject was in progress through the House, the clergy had applied to be heard by counsel on the subject of tithes, as well as on the general affairs of the church, would their application have been acceded to? If it had, what delay must have resulted from the long speeches that might be expected from a subject so extensive? But, no one could think that the prayer of such a petition would be granted by the House. His hon. friend who spoke last had asked how could they have more satisfactory evidence on the subject of the association than that of the petitioners themselves? But, he would ask, in return, had they not al-

ready the admissions of the association? He should be able to shew, taking the public acts and declarations of the association, that the House had ample grounds for passing the bill, without hearing a single word more in evidence. He held a petition in his hand, dated the 17th of February, which had been presented yesterday. It was the last act of the Association. They had there set forth, that "the Catholics of Ireland felt the necessity of bestirring themselves in their own affairs, and it was deemed right to enter into an association to promote the general interest of their body, and to bring under the frequent consideration of parliament the various and heavy grievances of which the Catholic people of Ireland complain." Was not that like an avowal of their representative power? To his mind it admitted of that interpretation. The petition concluded with a prayer, "that no measure should be adopted against the Catholic Association, or against any portion of the Catholic people of Ireland, without first affording to petitioners a full opportunity of vindicating their principles and conduct at the bar of the House, and to be heard, if necessary, as well by witness as by their counsel." That passage, he maintained, amounted to an admission of their representative capacity at once. He did not admit the distinction that had been taken as to direct and virtual representation, but claimed for parliament the right to pass what laws they pleased. In avowing their intention publicly of addressing and petitioning parliament for the redress of grievances, they afforded at least an admission of their existence as a body, and the House should never forget, that they were a body who had assembled twenty times since the month of October. They were also a body who appointed committees of finance, of grievances, and of education, and who required no other qualification in persons desirous of becoming members, than the payment of one guinea on their admission. If parliament consented to recognize them in such a character, they might depend upon it, that the interval would not be far distant between such recognition and their assumption of all the functions of parliament. They had also professed, in their petition, "to procure for the poor, the ignorant, and the defenceless, redress from the known tribunals of the law, for outrages and injuries arising from party spirit." That assumption he also considered highly objectionable; for it was contrary to the spirit of justice, that the same body which exercised the other acknowledged functions, should institute prosecutions against individuals. The petitioners denied that they levied contributions on their fellow-citizens. It was true that they had no legal mode of enforcing subscriptions, but if they could not exercise a legal, they had exercised a moral compulsion. Was there no moral compulsion in the fear of being registered in their black book, as an hon. gentleman had called it? Would any man say that the threat of having one's name inscribed by the priest in a book, after divine service, on refusing to subscribe, left that person at liberty to choose whether he would subscribe or not? One word more with respect to that levy, which was by far the most important part of the question. Did that body admit, or did it not, that they received funds from the people? He held in his hand the report of a committee signed "D. O'Connell," which stated that, in order the more effectually to exert the energies of the Irish people, it was necessary that money should be collected. To that assertion he objected. The intentions of the Association might be innocent; but, to say the best of them, they were very equivocal; and some acts of the Association, even giving them full credit for motives, ought never to have taken place. He could perfectly understand why words spoken in the heat of debate by individuals who, in their cooler moments, might be willing to retract them, ought not to be charged upon the Catholic body; but, the frequent use of such expressions formed a strong objection to the existence of such meetings, and could not fail to be prejudicial to the cause of the Catholics themselves. There was one resolution passed by the Association, which he thought of considerable importance. By that resolution, Mr. Hamilton Rowan was admitted as a member of the Association. He would ask, was not such proceeding likely to excite suspicion, and exasperate animosities? The secretary of the Association had addressed a letter to Mr. Hamilton Rowan, apprizing him of the fact, and stating that the resolution had been passed with more enthusiasm than he had ever witnessed on any former occasion: that, on the mention of his honoured and beloved name, it was hailed with the applause

which formed, at once, the testimony and the reward of a life that had been devoted to the service of his country. It was possible that the individuals who had voted such an address might not have been aware of all the circumstances connected with the life they had so described; but if a public body, collecting money to direct the energies of the Irish people, had been so unfortunate as to propose that address, and to exult at the mention of that "honoured and beloved name," on the very day on which they had adjured the Catholics by the hate they bore to Orangemen, was it not a reason sufficient to excite suspicion in the most candid mind? With respect to the name and the political character of Mr. Rowan, he should say no more than what he found in the report of the secret committee of the Irish House of Lords in 1799. It appeared from their report, that an Irish clergyman of the name of Jackson, had proceeded from France to Ireland, for the purpose of conducting a treasonable conspiracy, with a view to the invasion of Ireland by France. That in 1794, he had commenced a correspondence, and held frequent interviews with Mr. Hamilton Rowan, as the leader of the United Irishmen, who shortly after was committed to prison, but had subsequently escaped, and was attainted of high treason. That he and Mr. Theobald Wolf Tone and Mr. Lewins, had frequent conferences, the former of whom was taken in a French vessel, called the Hoche, on the coast of Ireland; and the latter escaped to France, where he acted as envoy to the United Irishmen. After such a statement, would the Association maintain, that the resolution to which he had alluded, had no tendency to excite suspicion or alarm? Whatever they might think, or however they might reason, they might depend on it, that even if they had the power to bring the whole body of the Catholics to the bar of that House, the united testimony of six millions of men could not satisfy the Protestants of Ireland, or the people of this country, that there was no ground for suspicion or alarm in such a proceeding. That an Association professing to have 40,000*l.* a-year, and six millions of people at their command, should hail the "beloved name" of an attainted traitor, and adjure the Catholics by the hate they bore to Orangemen, as their natural enemy, was a fact which he would say afforded ground for suspicion and alarm that could never be overstated. If they took credit for such an act, the voice that informed them of the danger of such a course, was a friendly voice; the man who cautioned them against the indiscreet course they were pursuing, by holding forth such a resolution as the act of the deliberative body, was a friend to the peace of Ireland. He would appeal to every man who pretended to the least regard for the pure administration of justice, to put themselves in the place of the individuals who might be prosecuted by the Association, and ask themselves whether, against such prosecution, they could think it safe to go to trial? The hon. and learned member for Knaresborough, might moralize upon the advantage of keeping up the civil war of the passions, but would he say that it would contribute to the pure administration of justice, to have that body conducting prosecutions, and prejudicing the minds of the people? A resolution of the Association stated, that the secretary had opened an account with every parish in Ireland, in order to collect subscriptions for the purposes alleged in their petition. Was not that a ground of suspicion and alarm? Could a body, consisting of 3,000 men, for whose character they had no better security than the fact of being able to pay one guinea for admission, proceed in the exercise of such functions, without awakening that sound constitutional jealousy with which it was their duty to view every political measure? After the proclamations that have been issued, the House was bound to regard them with ten-fold jealousy. But, to return to their petition; it represented their body as consisting of "Catholic prelates, peers, and baronets—of many Protestants of noble families and great possessions—of many distinguished members of high and learned professions—of commercial men of great wealth and character—of country gentlemen, farmers, traders, and substantial citizens." That it consisted of many respectable persons, he did not mean to deny; but, the more important they were, the more did he object to their undertaking the conduct of prosecutions. If prelates and peers, and baronets were of their number—if even the venerated name of earl Fitzwilliam appeared amongst them, the more was it unfit that they should institute prosecutions, because the prejudice excited against the defendants was likely

to be more strong. It was possible that they might be acquitted, even under such circumstances; but they had no right to send any man to take his trial with such a weight of prejudice operating to his disadvantage. He had grounded his opinions on extracts from public and official papers; and on these documents he meant to call on the House to support the bill without hearing any evidence against it. His sense of right and of justice dictated to him boldly and manfully to give his vote against the prayer of the petition.

Mr. *Hutchinson* said, he should not have addressed the House, had it not been for the introduction into the right hon. gentleman's speech of the names of individuals who were not present to defend themselves. The right hon. gentleman had introduced into his speech the name of Mr. Hamilton Rowan. He was in Dublin when Mr. Rowan was obliged to leave the country, and he would say for him, that there was no man more respected or beloved. Ireland he thought did not possess a better man, or one more respected, for the integrity of his public principles, and the virtues of his private life. He had not the honour of his personal acquaintance, but he spoke what was the general feeling of Ireland; and when the Catholic Association enrolled Mr. Rowan among its members, it did so, he was sure, in accordance with the opinions of all the Catholic population. He was not there to justify any man condemned by the law; but the men condemned in 1793, to which the right hon. gentleman had alluded, were men highly respected in Ireland. They met to carry an object into effect which would have been of the greatest benefit to that country—to give it the benefit of a liberal system of government. There could be no more righteous aim kept in view by any men than that professed by these gentlemen, of wishing to amend a system which had brought on rebellion. The virtue of such an action did not depend on its success; though that might make it legal or illegal. Let the House recollect that Sydney, Hambden, and Russell, who were now called virtuous patriots, would have been stigmatised as traitors, had not the cause of liberty, for which we all were thankful, flourished here, and if that despotism had triumphed in England which had been continued in Ireland up to this hour. Had these men succeeded in Ireland in 1793, they would have been regarded as the benefactors of that country; and they were even now receiving approbation; for the system pursued by the right hon. gentleman and his colleagues was that which they then wished to enforce. The right hon. gentleman had taunted the opposition with receiving with approbation the measure for putting down Orange societies, and now opposing the measure for putting down a Catholic Association. The Orange societies were illegal societies; they had been so declared by the Attorney-general and the chief justice of the king's Bench in Ireland. When the right hon. gentleman compared the Catholic with the Orange Association he betrayed a state of ignorance respecting Ireland quite inconceivable. The Catholic Association was a public body. Their object was to petition parliament. And what was the object of that petition? Ministers had put into the king's Speech what evidently alluded to the Catholic Association. If there could have been any doubt that the allusion was exclusively to that body, it was removed by the noble mover of the Address, and by the hon. seconder, who made a laboured attack on the Association. The right hon. Secretary for Foreign Affairs, had also, on the first night of the session made an elaborate attack on the Association, which left no doubt of the object of the paragraph in the royal Speech. A leading minister, in another place, too, made the same sort of attack. The Association hearing all this, sent a deputation to complain that they were libelled. They prayed to be heard against a bill intended to gag the aggrieved Catholic people of Ireland. They offered to prove that what was said of them was false. He denied that there was a Protestant feeling in Ireland against the Catholics. All the efforts of the faction would not create a hostile feeling between the Protestants and Catholics. Let the wealth of England pour into Ireland; let not the cry of "No Popery" disturb the tranquil intercourse of the two countries, and Ireland would become as flourishing as England, and more so perhaps, as her resources were new, while England was comparatively exhausted. Let justice be done, and they would seal the strength of the empire by uniting seven millions of Catholics, in harmony and good-will with the rest of the nation.

The Hon. *C. B. Clarke* said, he never

could agree that the Association should be heard at the bar. He was as great a friend of Catholic emancipation as any member, but he was not a friend of the Association. He would not say that it had disturbed the country, but it had kept it in such a state of agitation as ought not to be endured. In the county in which he lived, the people were quietly disposed, and would continue so if let alone.

Sir *John Sebright* said, he felt it necessary to support the measure for putting down the Catholic Association. He thought that measure necessary; but he also thought that it was a disgrace to a British House of Commons to have a measure of this nature now to discuss. The question was one of vital importance, and would not now have arisen, but for our prejudice, injustice, and cruelty, towards the Catholics. He would vote for the petitioners being heard at the bar; for he was sure the Association had done nothing which every member of that House might not have been proud to have done in vindication of their insulted and oppressed Catholic brethren. The right hon. Secretary for Foreign Affairs had stated, that the people of this country were against Catholic emancipation. He believed they were; but there were public questions, on which it behoved statesmen to combat public opinion, or rather public prejudice. To hear the petitioners at the bar, was required by a regard to justice.

Mr. *Scarlett* said, he should not have risen if the right hon. Secretary had not quoted a speech of his on a former occasion, and made it a reproach to the members on his side of the House, that they contended against the Constitutional Association, and for the Catholic Association. Now, he did not think that any body could confound these two societies; but, since the right hon. gentleman could not extract the distinction which actually existed between them, he would endeavour shortly to do it for him. The Constitutional Association did not prosecute offences committed against individuals, but offences committed against the state. It assumed the functions of the Attorney-general, and prosecuted for crimes against the state.—Crimes and libels, which the Attorney-general considered ought not to be prosecuted, were prosecuted by the society. He highly commended the conduct pursued towards the Constitutional Association, both by the present Attorney-general and his predecessor; and if he had any blame to impute to them, it was, that they did not sooner stop the prosecutions instituted by the society. The Catholic Association never thought of prosecuting state offences; it only united to procure redress for private injuries. Between it and the Constitutional Association there was a plain and well-defined distinction. If there were any considerable portion of the people of Ireland who felt that the laws were not fairly administered towards them, he had no hesitation in asserting, that it was both just and natural for them to associate for the purpose of mutual protection. He put the case conditionally. He did not assert how the fact was. It was true that an hon. and learned member had, on a former debate, contended for the impartiality of the administration of justice in Ireland. But from all that he had been given to understand, that impression was not very general amongst well-informed persons acquainted with that country. As to the main question, whether the petitioners should be heard at the bar or not, he was so convinced by the cogent and powerful speech of his learned friend who presented the petition, that he could not see on what grounds the application could be refused. He had attentively listened to the speech of the right hon. Secretary for the Home Department; but all he had learned from it was, his statement of certain conduct with which he charged the Catholic Association. The facts might be as they were represented; but the assertion of a minister in his place in parliament was not a sufficient ground to restrain, by penal enactments, the liberties of the subject. How could the right hon. gentleman tell that those pamphlets and newspapers, in which such extraordinary confidence was reposed, stated what was true? The petitioners said, they could contradict them by indisputable evidence. He had often heard the notoriety of proceedings made a just ground for a parliamentary inquiry; but, until that night, he never heard that mere notoriety was a sufficient ground for a restraining statute against the liberties of the people. Some positive proofs were necessary to justify such a measure. Yet, here it was refused to a large body of men, highly respectable, from their rank, their talents and station, to disprove charges which they declared to be most unfounded. He should, therefore, give his vote

for hearing the petitioners. To meet such an application with a refusal, would be to act not only not in the spirit of conciliation and candour, but in defiance of common justice.

The *Attorney-General* observed, that after the powerful speech of his right hon. friend, the Secretary of state for the Home Department, it was not his intention to go at length into the merits of the question, but to limit himself to that branch of it which went to show that the conduct pursued by the Catholic Association as to criminal prosecutions was a direct interference with the impartial administration of justice. But first he should reply to the observations of his learned friend, who appeared wholly to have misapprehended the right hon. Secretary. His learned friend assumed that the grounds on which the right hon. Secretary defended the bill were questionable; that the facts he brought forward might or might not be true; and therefore that inquiry was necessary. Now, it was in the recollection of the House, that the right hon. Secretary had actually thrown out of his view all evidence of an ambiguous character, and had founded his just deduction on documents which the petitioners could not disprove, because they were their own recorded resolutions. "What evidence have we before us?" said his learned friend. The answer was easy. They had before them facts admitted by the Association themselves. His learned friend had drawn a distinction between the Constitutional and Catholic Associations. There certainly did exist a very great distinction; though he differed from the conclusion which his learned friend had drawn. He had always contended, that the Constitutional Association was strictly legal, although he also felt that such interference of individuals in instituting prosecutions was by no means prudent. But, compare with the influence of that body the influence that the interference of the Catholic Association must necessarily have produced, and then there was no similarity in the result of their endeavours. The Constitutional Association consisted of a few individuals: some, no doubt, of great respectability; but the means of carrying their object into effect were committed to persons comparatively obscure, who conducted the prosecutions that they instituted, in a manner not calculated to entitle them to confidence. Indeed, so convinced of that fact were the parties accused by them, that they considered themselves fortunate in having that society, which laboured under popular odium, for prosecutors. Let the House look at the character of the Catholic Association. They were admitted virtually to represent three-fourths of the people of Ireland. They wielded the whole force of that great population. They were the guides and directors of the whole Catholic body. Possessing such an influence, who could deny that their interference must not be extremely powerful wherever exerted? Could any thing be more calculated to pervert the pure administration of justice than a system of that description, originating, advising, and reviewing criminal prosecutions? Interested themselves in the causes which they directed—exerting an influence so decisive—what other effect could follow, but a perversion of those principles on which the impartiality of justice was founded? Did the question depend on reasoning, on argument, or on facts? Facts of interference were admitted. The particulars of those facts he would not inquire into: the principle which flowed from them was enough; and that principle made it, for the sake of the pure administration of the criminal law, imperative to put down the Association: It was calculated, in the first place, to give rise to a system of spies and informers, and to occasion every case to be prejudged before it was brought in the regular way before the tribunals. Their own documents were a proof of the evil. From them it appeared that one of the cases alluded to, in which a prosecution had been determined on, was first referred to a committee and that committee determined on going to trial. Was not this prejudging the case? Could such a decision become known without having considerable effect on the minds of all to whose knowledge it might come? This was monstrous; and, if there was nothing else against the Association, all who were of opinion that the administration of justice should be kept pure and exempt from all improper influence, ought to give their vote for putting it down. It appeared to him an inconsistency that his learned friends opposite should have always spoken in condemnation of the Constitutional Association, while they supported such an Association as this. He could not admit the distinction drawn by his learned friend who spoke last. He had said, that all the

prosecutions instituted by the Constitutional Association turned on party questions. Was it not clear that every prosecution instituted by the Catholic Association must, from the very moment their determination became known, necessarily become a party question? There was no person who knew the state of the public mind in Ireland but must feel convinced that every prosecution entered upon, under such circumstances, must be conducted in the spirit of party. It was upon these grounds he should oppose the motion. He had kept his word strictly to the House, by limiting himself to one branch of the question. With him, independently of many other objections, it was sufficient to justify his vote.

Mr. *Brougham* rose to reply. He said, he never rose to discharge his duty with greater anxiety, than at that moment. The right hon. the Secretary for the Home Department had, most undoubtedly, stated his objections in a very able and very powerful speech—a speech that was calculated to make a considerable impression, not alone from its own attractive nature, and the very sincere tone in which it was delivered, but because it was singularly contrasted both in argument and manner, from the speeches of such of his hon. colleagues as had discussed that great subject. But, impressive as it certainly was, he trusted he should be able to show that it did not drive him one inch from the ground he had taken. With respect to the hawkers and pedlars being heard by counsel, notwithstanding the denial of the right hon. Secretary, he begged to say that he was supported by the Journals of the House. He was equally borne out in the other precedents. On the Massachusets bill, a bill which, for state purposes, went to interdict the whole trade and intercourse of New England with Great Britain, and her other colonies, the parties aggrieved were heard by their counsel and agents. Not only the parties aggrieved were heard, but the traders of London and Poole: and not only these parties, for their own interests about to be affected, but the society of Quakers also, who appealed to the justice of parliament in favour of their fellow subjects of America, upon the principles of an enlarged humanity [hear!]. He thanked his hon. friend (Mr. Spring Rice) for another precedent, completely in point, and which he had overlooked. It was a precedent of the Irish parliament, and which, since the Union, was binding upon the imperial legislature. In that parliament, on a bill alleged to be for the security of the Protestant Succession, sir T. Butler and sir S. Rice were heard for themselves and others, against the provisions of that statute which declared that no man could hold any office who did not take certain oaths, and subscribe to certain declarations; oaths and declarations to which they, as Catholics, could not conform. In that statute the Catholics were not mentioned any more than the Catholic Association was mentioned in the present bill; and yet the legislature did not refuse to hear the parties aggrieved. But, we were, forsooth, told, that the bill was not levelled against the Catholic Association. Against whom, then, was the whole speech of the right hon. Secretary, the champion of the bill, and its ablest defender, that night levelled? The right hon. Secretary, with the exception of the Attorney-general for Ireland, was the only man who had fairly grappled with the question. Where had he rested it? What was its basis? Against whom was it to be applied? It was against the Catholic Association, and that body only, that the bill, as well as the speech of its right hon. defender was levelled. It was because that Association, increasing in power and strength, and backed by the Irish people, had alarmed the jealousy and excited the fears, and, perhaps, the envy of the executive government, that they were to be extinguished by a penal enactment.—The right hon. Secretary had charged him with inconsistency in now supporting the right of these petitioners, though in a case respecting negroes, he had opposed the interference of counsel. What was the fact? In that case, a highly-esteemed friend, Mr. Stephen, offered himself at the bar to be heard as counsel. That enlightened man had come forward from his own humane suggestions. He was not connected with the parties; he was not employed by their masters; neither was he directly interested. What similitude had such a case with the present? The aggrieved parties were now at their bar. The negroes were now waiting their decision. They declared themselves calumniated and slandered; and in the name of justice, they demanded to be allowed the opportunity of refutation.—As to the supposed inconsistency arising from the opinions he had expressed with regard to the Bridge-street gang, he differed toto cœlo from the arguments of the other

side. The inconsistency might have been supported had he taken any measure to put down that Association by a penal statute. Did he ever propose any restraining bill to extinguish it? No: much as he censured its motives and objects, he still thought that by the mere enforcement of constitutional law a termination could be put to the efforts of that jobbing, mercenary, mischievous, meddling gang.—He came now to the main argument; and here he must say, that the right hon. Secretary did not keep his word by confining himself to the immediate question in debate. "I care not," said he, "for your cloud of witnesses; I will listen to no refutation; I want no further proofs, neither shall this House receive any documents." And yet there was strong reason to believe, that the parliament were very near having laid before them some documents. It was supposed disorderly to know what passed in another place; and yet it had gone abroad, indeed it had been heard by members of that House, that by a minister of the Crown, the present bill was declared to be, not an English, but an Irish measure. Perhaps the difficulty was, to ascertain from what portion of the Irish government it proceeded; as that government was of as diversified and chequered a composition as the cabinet of Great Britain. "Of this," continued Mr. Brougham, "I am quite certain, that if the measure came to the English government, recommended by the noble lord at the head of the government of Ireland; if it had the sanction of the Attorney-general for Ireland, whose sincerity in the Catholic cause I never have doubted, and never can doubt, until he, by his conduct, compel me to doubt it—if, I say, there exist in the office of the British government a document from the Irish government recommending this measure, it is not the only document respecting it which is in their possession. I can have no doubt whatever, that events and circumstances induced the noble marquis to advise the adoption of such a proceeding as that which is now in progress through this House: by the same courier which brought that advice, must also have been brought an urgent representation of the necessity of accompanying the measure of severity with one of conciliation. If so, those have much to answer for who have suppressed the milder part of the communication; those have much to answer for who have stated the severer, uncoupled with the mitigating, portion of the recommendation. They have much to answer for to the country; they have not a little to answer for to the House; but they have most of all to answer for to the noble marquis at the head of the Irish government, and to his majesty's Attorney-general for Ireland, in making them appear, contrary to their well-known and recorded principles, to recommend measures of harshness, unaccompanied by any mitigation; unaccompanied by any qualification; unaccompanied by any antidote; unaccompanied, in short, by Catholic emancipation [hear, hear!].—Sir, the bill before the House pronounces the condemnation of the Catholic Association. It puts that body to death. But, before it is thus doomed to destruction, it has a right to be heard in its exculpation and defence. The Association are charged with instituting prosecutions, and with sending men to trial under all the disadvantages of a previous investigation, and all the odium of a declaration, on the part of the Association, of their guilt. As if such things had never been heard of before! The right hon. gentleman has said, that possibly subscribers to the rent might be on the jury; and by the by, he observed, that in this country those who paid for the prosecution could not be witnesses, appealing to myself and my learned friends for the accuracy of his opinion. As regards myself, the appeal was unfortunate; for in answer to it I must say, that the expenses of a criminal prosecution in this country are generally paid by the prosecutor, and nevertheless he is a very competent witness on the trial. However, let that pass. But we are told by the right hon. gentleman, that the Catholic Association have quite outraged the spirit of British jurisprudence, and conducted their proceedings in a manner inconsistent with justice and impartiality, by their previous investigation and declaration of the guilt of the individuals against whom they instituted prosecutions. Is it so? A similar practice takes place in the most ordinary proceedings of the criminal courts in this country, even in the highest of those courts—the court of King's-bench; for there, when a criminal information is applied for, under a statue passed in the best times for the liberty of the subject, namely, in the early part of the reign of William 3rd (immediately after that act, the credit of which, by a strange blunder, has so frequently been given to his late majesty—I mean

the act by which the judges were rendered independent of the Crown), when an ex-officio information is moved for, what follows? A speech enforcing the guilt of the accused is made by the counsel; and though the rule may be refused, that speech is published in the newspapers, and the injured person is thus libelled without the possibility of remedy. But, if the rule should not be refused, and the trial take place, what happens? The party having been heard against the rule, and an inculpatory speech having been made in the shape of a reply, the four judges deliberately give their opinions, one after the other, which opinions are also published. So that the poor man who is accused goes to the petty jury with all this previously published accusatory matter, hanging like a mill-stone round his neck. But, Sir, with all these disadvantages, has he no chance of escape?—A very great one. I have never yet seen a case in which a person has been tried on a criminal information, on a rule obtained in the court of King's-bench, in which there has not been a favourable disposition towards him in the court. There is a tendency to bear him up. It is the same thing when this House causes any criminal proceeding to be instituted. The party, in that case, goes to trial with all the impression that can be created by a previous vote of the House, declaring him guilty of the charge preferred against him, and instructing the Attorney-general to prosecute him accordingly. The speeches made in the House in aggravation of his guilt, are published in all the newspapers. But, does that produce any injurious effect on the accused? The instances are rare in which they have been convicted. Sir, ought not the same thing to take place with respect to those persons who are prosecuted by the Catholic Association? They send a man to trial with the same advantage of a disposition on the part of the court in his favour because he is so sent. Nay, he has a greater advantage, for the probability is, that he will be tried by a Protestant jury. And what have been the actual facts? That the Catholic Association, with all the power imputed to them of oppressing innocent men by the weight of their authority—with all the means of success which money can afford—have twice tried to convict individuals, and in cases where those individuals appear to have been justly prosecuted; and in neither case have been able to induce the court and the jury to concur with them in opinion. Thus, Sir, the issue of these trials is in the very teeth of the declaration, that the proceedings of the Association are injurious to the cause of justice. But, a graver charge against the Association remains behind: and I entreat the attention of the House to this part of the subject, because it relates to an absent and a most meritorious individual. That individual has already been defended by my hon. friend behind me (Mr. Hutchinson); but I wish to add something to what was stated by my hon. friend; and, Sir, if I do not convince the House that the accusation, made by the right hon. gentleman is utterly groundless, as it regards the Catholic Association, if I do not at once shew this, and from the very circumstance of the groundlessness of that accusation, derive a triumphant argument in favour of inquiry before we pass the measure which has been introduced; if I do not instantly demonstrate, from the fallacy of the statements by the right hon. gentleman, the hazard we incur by trusting to unexplained documents, and unsupported assertions in our proceedings on this important subject, I am ready to abandon at once the cause of the Catholic Association. 'We have,' says the right hon. gentleman, 'the sentiments of the Association under their own hands. No man will deny what they have said or written. Why call a cloud of witnesses to prove that which is acknowledged?' This is the right hon. gentleman's charter. Now for the merits of this declaration. The charge against the Catholic Association, is, that they talk of Mr. Hamilton Rowan as a man entitled to the respect and love of his country, 'and yet,' said the right hon. gentleman, 'Mr. Hamilton Rowan is neither more nor less than a convicted traitor!' or, 'I believe it was, 'an attainted traitor.' The charge, then, against the Catholic Association is, that they have treated with respect an attainted traitor. Now, Sir, in the first place, the Association state, as a fact, that Mr. Rowan's name is most highly respected and dearly loved in Ireland. For the truth of this assertion, they are therefore certainly responsible. If Mr. Rowan's name is not pronounced in Ireland with reverence and affection, then the Association have been guilty of gross misrepresentation. But, it seems that the Association not only state that to be the general feeling in Ireland, but declare that they

themselves join in the general feeling of respect and veneration; and this is the second and the gravest charge against them. Now, Sir, in the first place, I assert, and I offer to prove my assertion by witnesses, that the Association are not only borne out by the fact, when they assert that no man in Ireland is more respected or beloved than Mr. Hamilton Rowan [a loud "No!" from some hon. member]. Sir, I have offered to prove it. I am therefore obliged to the hon. gentleman for his no! for he must give me his vote. I say aye! On that ground we join issue, and I am ready to call my witnesses. But I go still further. I will show, that the Catholic Association have not only asserted that Mr. Hamilton Rowan is treated with respect and affection by all Ireland, but have treated him with respect and affection themselves. By whom they have been instructed? Who does the House think have been their teachers? His majesty's government and successive lords lieutenant, in Ireland. Mr. Hamilton Rowan, Sir, was a man of large and even princely fortune, of the purest and most amiable private character, endeared to all his friends by his domestic virtues, and attached to his country by the most ardent and irrepressible patriotism. He was one of those men who, in the agitated times of 1793, 1797 and 1798, when the wisest were often misled, and when the honestest, from the very excess of patriotic feeling, were roused to frenzy by the injuries which they conceived their country was enduring, underwent every species of vituperation, and in that wretched period, were swept away in one general act of attainder, although many of them could never have been brought to trial with any hope of conviction. 'Fuerint cupidi,'—for the character is applicable not only to Mr. Hamilton Rowan, but to the Fitzgeralds and others, who went too far, in the times of which I have been speaking; and God forbid that I should deny that they went too far, although God also forbid that I should charge them with crimes of which they were guiltless;—'Fuerint cupidi, fuerint irati, fuerint pertinaces, sceleris vero crimine, furoris, parricidii, liceat. Cn. Pompeio mortuo, liceat multis aliis carere.' Such, Sir, are not my romantic sentiments alone, with respect to many of those unfortunate individuals. Pardoned by his sovereign, Mr. Hamilton Rowan returned to the bosom of his family. Again he became the dispenser of blessings to his attached tenantry. Again he drew around him all the tender and endearing connections of life. He exercised all the functions of a country gentleman; he attended all the charitable meetings, which are so frequent in Ireland; by the manner in which he expended his liberal income, and by the whole tenour of his conduct, he became the darling of his neighbourhood; he served on the grand juries, and he acted as a magistrate [hear,]! And, under whose superintending eye did he so act? Under that of my lord Manners. Of my lord Manners, who so readily purges the commission of the peace wherever he sees any one whom he knows to be a friend to Catholic emancipation going, as he conceives, too far in the support of his opinion. Yes. Lord Manners leaves Mr. Hamilton Rowan, the attainted traitor; lord Manners—that pink of loyalty, that upholder of the church establishment, under that tutelary saint, the late chief secretary, leaves Mr. Hamilton Rowan, the attainted traitor, in the magistracy, to teach treason by his example, aided by his authority. Nor is that all. Mr. Hamilton Rowan attends the courts at the castle, and is received with uniform favour, courtesy and kindness, by one viceroy after another—men of every shade of opinion; not only by lord Wellesley, but by lord Whitworth. And this, Sir, is the man whom the Catholic Association are to be attacked, vituperated, and denounced, unheard and without the means of defence, for declaring to be entitled to, and to be enjoying, the respect and affection of his countrymen. Sir, I declared, that if I could not repel that charge against the Catholic Association—if I could not convince the House from that unexpected quarter, if I could not commend the chalice to the right hon. gentleman's own lips, which he had prepared for his opponent—if I could not elicit new arguments from his assertion on this part of the subject, to show the necessity for inquiry, I would at once abandon the cause. But, do I feel myself called upon to redeem that pledge by abandoning that course? On the contrary, I feel that the cause stands on ground a thousand times higher than that on which it stood when those tumultuous cheers followed the right hon. gentleman's statements.—And now, Sir, I ask every honest, every reflecting, every conscientious man, if he could have believed, before this explanation, that in the

crime of which the Catholic Association were accused by the right hon. gentleman, they were, in fact, only the accomplices of lord Manners, and of the successive Lords-lieutenant and Attornies-general of Ireland? And now, Sir, I beg the House to look at the consequences of what they are about to do. They have now an opportunity in their power, which, if they let it slip, they may never be able to grasp again. Conciliation is in their power. If the measure now in progress should pass—if it should receive the royal assent—if it should be found to accord with the unanimous voice of the country—even under all those circumstances, in order to render it a safe measure, you must have the assent and the co-operation of the Catholic Association itself. You will find this to be absolutely essential. If, therefore, you pass the measure, at any rate make it a safe, make it a wholesome measure—make it a measure which may give permanent peace to Ireland. To make it acceptable, not merely to the hundreds of thousands for whose particular interest you conceive that you are passing it, but to the millions who inhabit the country in which it is to operate, you must accompany it with conciliation. Nothing else will do. Sir, you have at this moment, at no great distance from you, within the walls of this House, the chosen delegates of the Catholic Association. In those gentlemen the Association have unanimously reposed their confidence. The Association itself possesses the entire confidence of the whole Catholic body in Ireland. If the House do not believe this, many days will not elapse before petitions in crowds will attest the fact. Here, then, you have virtually before you all the Catholics of Ireland, anxiously awaiting your decision—your commands. Depend upon it, Sir, they will comply more readily with your requests than with your orders. With far more kindly feelings will they depart from this House, and with much more kindly feelings will you regard them, and yourselves, if you consent to gratify their wishes. You can easily do so. Open your doors to their counsel. Let their witnesses be brought to the bar. If they fail in proving their case—if they fail in vindicating themselves—in God's name pass the measure: you will then pass a constitutional, a just, and effective measure; and one which may succeed in giving peace to Ireland. Of this, however, I am sure, that you cannot hear the details which they are prepared to lay before you—you cannot listen to their honest exposition of the motives by which they and their friends are actuated—without entertaining a higher sense of their conduct and merits. On their parts they will be duly sensible of the indulgence. By the mutual intercourse which will thus take place, whether you pass or whether you reject the bill will become a matter of comparatively less moment; you will give contentment, and you will, for the first time, lay the foundation of peace in Ireland. They offer to prove at your bar that whatever their conduct has been, it has been strictly legal and constitutional—that it has been neither an infraction of the letter, nor an evasion of the spirit of the Constitution. They are ready to lay before you every document—every letter—every scrap that has crossed the threshold of the Association; they will read them to you, and then offer them to your inspection. Their books are here. Black book there is none. The names of their subscribers they have entered in a book; as it was indispensable they should do; for they would have been charged with dishonesty by their opponents had they not done so. But, a book of prohibition, a book of exclusion, a black book, as it has been called, there is none. They are prepared to prove the efforts which have been made by the Association to tranquillize Ireland. They are ready to prove, that when disturbances existed in upper and lower Ormond, when the Ribbonmen made an alarming progress in those districts, Mr. O'Connell and others repaired thither to check them; and that in the name of the Association, and with the address of the Association in their hand, they did check the spirit of ribbonism, and restore tranquillity. I have selected these from many other details which the delegates are ready to give. Examine them yourselves, and you will find that there is no point on which they are not solicitous to afford every possible explanation. If in the teeth of all these advantages which are held out to you; if in utter neglect and contempt of the signs of the times; you persist in the course, not of passing the bill, but of refusing to enter into any inquiry with respect to the facts on which its authors profess to found it—if, notwithstanding the most astounding instance of a misrepresentation of the truth which I have just exposed in the case of Mr. Hamilton Rowan, you still

persist, I beg to deliver myself from all share of the responsibility. On your heads be it!" [loud cheers.]

The House then divided—For the motion 89; Against it 222; Majority 133.

HOUSE OF LORDS.

Monday, February 21.

STATE OF THE NAVY.] The Earl of *Darnley* said, he held in his hands a petition relative to the State of the Navy. He presented it the more readily, as it would give his noble friend an opportunity to clear up a suspicion which very generally prevailed, of the navy not being in that state of efficiency in which it ought to be kept. That such was its state was asserted by the individual who had preferred this petition; but he believed the assertion was far from being correct. Being himself desirous of inquiring into the state of the navy, he had found that in many instances the reports of the bad state of certain ships was totally unfounded.

The petition was from Mr. John Berridge, and prayed that the House would cause a full inquiry to be made into the state of the navy.

Lord *Melville* said, that as far as regarded any general decay, he could most positively contradict the representation which had been made of the state of the navy. Some partial instances of decay there always must be; but beyond what was to be expected in the ordinary course of things, it was untrue that there was any decay in the navy. The petition came from a person who pretended that he had discovered a nostrum for curing the dry rot, which had erroneously been alleged to exist to a great extent in the navy. Instances of ships which had been pointed out in support of this allegation of dry rot, had been inquired into, and the state of those ships had been proved to be the reverse of the representation made. More attention had, within these few years, been paid to the subject than was ever paid before, in consequence of the notice which the reports had excited. A strict investigation had been instituted, and the most ample details as to the state of every ship in the navy had been obtained. The result was, that if they were to take any period of our history, and compare it with the present, they would select the latter as that period in which the greater number of ships were to be found in a sound state, and likely to last long. During the war, in consequence of the scarcity of timber, ships were occasionally built of timber liable to decay faster than that of which ships were built in ordinary times. But the Navy Board now guarded against the use of that sort of timber. Many propositions had been made for preventing a too rapid decay, but he set no value on any nostrum. The only effectual remedy, he conceived, was to use well-seasoned oak. In the want of good native oak, it had been found necessary to resort for a supply to the north of Germany, and other parts, where certainly enough of timber was to be had, but of an inferior quality. With the exception he had made, his noble friend might be assured, that the navy was in a better state than it had been at any former period.

Ordered to lie on the table.

HOUSE OF COMMONS.

Monday, February 21.

NAVY ESTIMATES.] Sir *G. Clerk*, in bringing forward the Navy Estimates, observed, that, on the extraordinaries of the navy, there was an increase in the present year, as compared with the last, of 120,000*l.* This arose from the enhanced price of materials, and from the additional expense of wear and tear. On the ordinary estimate, there was an increase of 80,000*l.*, in consequence of a very considerable addition having been made in the wages of the artificers employed in the dockyards. For the last four years they had been restricted to five days in the week instead of working during the entire six. They were now, however, employed throughout the six days, which sufficiently accounted for the increased expense. The sum voted last year was about 480,000*l.* This year about 560,000*l.* would be necessary. On the half-pay, pensions, and superannuations, there was a reduction. It would have been greater; but some of the items, which were formerly placed to another account, were now, under the act of last session, charged on the estimate. A considerable sum was charged for carrying on several of the new works on the coast. Among these, one of the most prominent was the docks at Sheerness. For the first time they were called on to provide for the building of store-houses and officers' houses in the new yard. Formerly, the charge was

made for carrying on works, which were nearly finished, and it was not intended by the Admiralty to have gone on any further; but an offer was made to them by the architect, that if he were permitted to proceed more rapidly, and to use the materials and machinery he had on the spot, he should be enabled to finish the new works in a short period, and at a reduced price. It was estimated, that 50,000*l.* would complete the undertaking. The architect was to receive 400*l.* a-year and to be allowed 3½ per cent, on any money he might advance, should it be found necessary, beyond the 50,000*l.* The sum of 795,000*l.*, might be considered sufficient for all the works. There was an increase on the estimate for the works in progress at Plymouth Sound. Independent of the ordinary works, they were building a light-house there; and it was necessary that that part of the break-water which adjoined the light-house should be built more substantially than the other portions of it. It should also be observed, that the break-water had received some damage from the hurricane of the 23rd of November last. But it was satisfactory to state, that the mischief was not of considerable extent. That great national work proved, upon that occasion, that it was perfectly suited to effect the object for which it was erected. To prevent the possibility of its sustaining any injury in future, it would be finished in the most substantial manner. It was now nearly completed, and, when finished, even with this additional charge, would come within the amount of the estimate laid before the House in 1812. Some alteration would be made in the buildings connected with the victualling department, &c., at Plymouth. At present, those establishments stood at opposite sides of the harbour. The establishment at South Down, where the brewery stood, was far removed from the ships, and only accessible at particular times. This was an inconvenience which the Admiralty meant to remove. The establishment was not built on ground the property of the Crown, but was held by lease, which lease was now nearly expired. It was intended to purchase it, and to rebuild the houses; as had been recommended by earl St. Vincent when he was at the head of the Admiralty. It was also in contemplation to build a sea-wall, for the greater security and convenience of shipping. He concluded by moving, "That 54,886*l.* 5*s.* 1*d.* be granted to defray the Salaries of the Officers, and the Contingent Expenses of the Admiralty-office, for the year 1825."

Mr. *Hume* could not understand why so large an expense was incurred on account of the navy. If the promises held out by those who were at the head of the government, in former years, were worthy of the smallest attention, that expense ought now to be very sensibly diminished. In 1816, a committee was appointed to examine into the probable expense of the navy for that and subsequent years, and they made their report to the House accordingly. And now, in the year 1825, instead of the aggregate amount of the expense being reduced, it was actually greater than it was in 1817. So that, though a reduction was made in one or two years, they were now increasing the charge very considerably. In 1817, the estimate was 5,242,000*l.*, this year it was 5,980,000*l.* Unless the world at large were at war with this country, there could be no necessity for such an enormous expense. They had been told that a very great decrease would be effected in the half-pay and allowances. But, so far from that expense being lowered to the extent of which hopes had been held out, it was nearly as great as when the proposed reduction was intimated. He thought there was something very extraordinary in the system of keeping up half-pay and allowances on so extensive a scale. Why did not ministers bring back to the service persons who were on half-pay whenever vacancies occurred? Promotions were now as frequent as ever. The secretary of the Admiralty had declared, on a former occasion, that whenever a vacancy occurred, it should be filled up by individuals on half-pay. He hoped he would lay on the table a list of the vacancies which had occurred during the last few years, and show how many of those who were on half-pay, had been brought back to full pay. He feared the number would prove very small indeed. In 1817, the half-pay list amounted to 1,146,600*l.* it had gone on increasing, and was, in the present year, 1,387,692*l.* The reduction, as compared with the preceding year, was only 38,000*l.* Two years ago, the reductions effected by ministers seemed to be dictated by a desire to give relief to the country at large; but they appeared to have lost sight of that object, and no reduction had latterly taken place. He

thought, it was better for the House to look at the aggregate amount of the estimates, than to consider the details. They ought to say, distinctly, "so much is sufficient for the service of the country; the remainder must be reduced." He considered the naval force at present entirely too large. Here was an estimate of 5,983,000*l.* for the navy. Was it possible, that in time of peace a sum so enormous could be wanted? The South American states were so firmly established that they had been deemed fit objects for commercial treaties. In that quarter, then, no fleet was necessary; and he should be glad to know where any extensive naval force was required. The salaries now paid in many of the public offices were quintuple those which had been paid in any former peace; and unquestionably there was no necessity for such an increase of emolument. The amount of money expended at this moment for building ships was enormous. They were throwing away a million annually on the building of ships, which were rapidly falling into decay. We had already no less than 500 ships of war, a greater naval force than all the states of the world could command. Why, therefore, should they go on building? They ought to cease from building new ships, and apply themselves to keeping in perfect repair the old ones. The newly-built vessels were destroyed by the dry-rot. The hon. comptroller of the navy (sir B. Martin) smiled at the idea of the dry-rot. It was the fact, nevertheless, that it was doing a great deal of mischief. The hon. comptroller, and others on the opposite side of the House, had stated that this evil did not exist to any great extent. But their statements were by no means borne out. He would not say that half the navy was useless; but he believed that more damage had been done to our ships since the use of unseasoned timber came into fashion, than was ever before known. Those who had the management of the naval department tried all manner of experiments to check the evil. They changed their course of proceeding every four or five years; and he submitted to the House, that the expenditure of upwards of a million a-year for the building of ships deserved more consideration than had been given to the subject. The discovery of steam navigation had altered the nature of maritime warfare altogether. Come war when it might, the mode of warfare in the narrow seas would be very different from what it was at present. It would be much better to cease from building ships for the next five years, and to keep up in good repair the 500 we already possessed. The whole of Europe had not that number of ships. Why not let the timber remain in the forests until imperious necessity called for it to be felled. He saw a considerable sum charged for the improvements in dock-yards and wharfs: 795,000*l.* was to be voted for works now in progress at Sheerness. When they had such a dock-yard as that of Chatham, and when ships might be carried up and down without delay, by means of steam-boats, he could not but view this establishment at Sheerness as useless. There was also a charge of 300,000*l.* for works at Plymouth. When sums of this magnitude were called for, parliament ought to have more detailed information than could be contained in a speech delivered at the table. He also observed a charge for the dock-yard establishment at Halifax. Why could not Halifax defray its own expenses? He wished to see the navy, which was, and deserved to be, the favourite service of the country, kept in the most efficient state; but he could not suffer a useless expenditure which would go on increasing if it were not checked, to pass unnoticed.

Mr. *Robertson* said, that when their commerce was increasing in every quarter of the globe, it was proper that a very large naval force should be kept up, for the purpose of protecting it. He contended, that they ought not to cease from building ships, since they were necessary to the welfare and security of the country. The hon. member had, in his opinion, recommended the most mischievous policy that could possibly be devised. Formerly, our commerce was confined to Europe, the Mediterranean, and the West-Indies; but there was not a country on the face of the earth where our ships were not at anchor. If a new rupture occurred, was it not necessary that a great naval force should be ready to protect them? He trusted that ministers would not shrink from their duty, but would extend the navy as much as possible.

Mr. *Hume* said, he was as anxious as any man to have the navy in such a state that it might cope with the world; but the mischievous policy of which he complained was, the system of building ships merely to rot.

The resolution was agreed to. On a resolution, "That 157,176*l.* 3*s.* 5*d.* be granted to defray the salaries of the Officers, and the Contingent expenses of His Majesty's Yards at home, for the year 1825,"

Sir *E. Knatchbull* complained, that many shipwrights and other artificers had been discharged from the dock-yard at Chatham, while none were removed from Portsmouth or Plymouth. The consequence was, that as the men could procure no employment, many of them, with their families, were thrown on the parish.

Sir *G. Clerk* said, that at the end of the war, it was found that there was not sufficient work for all the men employed in the several dock-yards. To avoid the necessity of discharging them, it was offered to continue them at such work as there might be for them to do, but at a lower rate of wages. The men received this as a boon, and gladly continued in the dock-yards upon the terms offered them. In the course of last winter and autumn, they expressed some dissatisfaction at the amount of their wages, and were told they were at liberty to seek employment wherever they could obtain better pay. Some of them did so, and the reason why this happened to have taken place in Kent, more than in Plymouth and other places, was, because, on the men at Plymouth being told that they were kept in employment at the reduced wages only to keep them from distress, they said they were content and continued their places. As to the families of the shipwrights discharged from the dockyards in Kent having become chargeable to the parish, that was their own fault. There was plenty of work for them to do in the private docks, but they had entered into a combination, and placed themselves under the direction of a committee, who fixed certain prices, which the masters would not give.

Mr. *Huskisson* said, he had reason to know, that there was at this time a great demand for workmen in the private yards, and that all the men who had left the public docks would have found employment there, but for the mischievous spirit of combination which influenced them. Since the repeal of the combination laws, the workmen in this and other trades had committed such excesses as, if they were continued, would compel the House to resort again to the former laws, the repeal of which he feared had prejudiced some very valuable interests, and been injurious to the workmen themselves. Many persons were now ready to give the workmen employment, and the statements of those persons placed the conduct of the workmen in such a light as made him feel more indignation than he thought proper to express. If they had in any instances become burthensome to the parishes, it must have been through their own misconduct.

Mr. *Hume* was so far from blaming the government for the course which they had adopted towards the shipwrights, that he thought it extremely humane to keep them at low wages, until the arrival of the merchant trade should have furnished them with full employment. That time had now arrived. He was sorry to add, that the conduct of the workmen, in all parts of the country since the repeal of the combination laws, which he had laboured so much to procure, had been highly blameable. They had attempted to impose upon their masters—regulations, far more arbitrary and degrading than those which they had themselves so much complained of. He hoped the recent successes of the masters who had withstood these attempts, would teach the workmen, that this ungracious and impolitic conduct of theirs would drive their best friends to wish for the re-enactment of the old laws.

The resolution was agreed to.

UNLAWFUL SOCIETIES IN IRELAND BILL.] After several petitions had been presented to the House both for and against the passing of this bill, Mr. Goulbourn moved the order of the day for its second reading.

Lord *Nugent* said, he should begin by stating, that he should move that the bill be read a second time that day six months. And, if he felt no other objections to this measure, he should have found sufficient reason for opposing it in every stage, in the singular and remarkable circumstance, that with respect to a bill which, from the commencement of the session to the present hour, had occupied more of the attention of the House than any measure perhaps ever did, hardly two of his majesty's ministers had been found to agree as to the state of the country to which it referred, the motives for proposing it to parliament, or the results which might be anticipated from it. If the right hon. Secretary, and the right hon. Attorney-general for Ireland, were right in

the opinion which they entertained of the extensive influence exercised by the Catholic Association over the Catholic population, then the right hon. Secretary for foreign affairs must be wrong in the opinion which he expressed on the first day of the session, and which he had never since retracted or qualified. If, on the contrary, that right hon. gentleman was right in supposing that the Association represented neither the feelings nor the wishes of the Catholics, then, on the other hand, the two right hon. gentlemen first mentioned must be wrong in their view of the case; and yet, if they deferred to the opinion of their right hon. colleague, they must abandon their prime argument in support of the bill. The opinions of the right hon. gentlemen were directly opposed to each other. One objected to the Association because it did not represent the feeling and wishes of the Catholics, and the others because it did. Either might be right; but it was impossible that both could be so. The right hon. Secretary for the home department objected to the Association, because it kept Ireland in a state of disturbance, and the hon. member for Lowth (Mr. L. Foster) disliked it, because it had placed Ireland in that state which he considered most dangerous of all; namely, perfect repose. When the supporters of the measure differed thus as to the grounds on which they considered it necessary, what result could be anticipated from it in common? If, after the passing of the bill, Ireland should continue tranquil, and exhibit no signs of dissatisfaction or disaffection, the right hon. Secretary for foreign affairs would conceive his opinion of the small influence of the Association to have been substantiated. If, on the contrary, disaffection and an alienation of feeling on the part of the Catholic population should be the consequence of the measure, the right hon. Secretary and Attorney-general for Ireland, would then assert, that they had taken a correct view of the influence of the Association. For his own part, he would most strenuously oppose the bill; first, because not only had no case been made out in support of it, but that an offer to prove a case against it, by evidence, oral and documentary given at the bar, had been rejected. In the second place, he objected to the bill, because, even if a case had been made out for it, it was extremely bad, inasmuch as it was incapable of producing any other effect than irritation in the minds of those against whom it was directed. No case has been made out even against what the hon. members opposite looked upon as the great evil of the Association—the interference with courts of justice. He objected to the bill in the third place, because it was to be taken, if not as an indication that the part of the cabinet which had hitherto supported the Catholic question had at length deserted it, at least as being intended as a peace-offering to their less pliant Anti-Catholic associates. On the mere declaration of ministers that the measure was necessary, without any evidence being given in support of it, the House was called upon to pass a highly penal bill, which was certain to fail in its operation. The House was called upon to pass the bill, in the hope that those against whom it was directed would feel so much deference and respect for the declared will of parliament, that they would not attempt to evade it. In the name of common sense, what ground was there for expecting such deference on the part of the Catholic Association? Was it because ministers had been kind and considerate enough to introduce a penal law against a body, comprising amongst its members the first men of rank and talent in the country; or because they had been wise enough to frame the law, so that it would be utterly impossible that it should have any effect, without the consent and acquiescence of those against whom it was directed? The Attorney-general for Ireland had consoled himself with the idea, that the individuals who stood at the head of the Association, and whose names would confer distinction on any deliberative body—even on those two from which they were so unjustly excluded—would endeavour to seek out, and conform themselves to, the intentions of parliament. He must say, that for his own part he did not understand the intention of the bill. What a situation was parliament placed in, when it recommended a body of men not to invade an act passed expressly against themselves. This, too, after all the vapouring which he had heard about the dignity of parliament, and not being bullied into granting the Catholic claims! The language which had been made use of was neither more nor less than this "We, the parliament, have passed an act to send you, the Catholics, all to prison; but we know that if you have common shrewdness, you may evade the penalty, and we therefore beg that you

will be good enough, both for your own sakes and for ours, to conform to our wishes." He had never before known, except in one instance, where a public decree of such a nature depended for its efficacy upon the indirect recommendation of its framers. The instance to which he alluded was this; when the late king of France was in exile in this country, a French emigrant nobleman, who had resided with his majesty, was charged with some supposed offence against the laws of France. The nobleman was cited to appear at the house of the exiled sovereign to answer the charge before a bed of justice. He refused to attend. He was found guilty in his absence, and the sentence of the court was communicated to him, ordering him just to consider himself as being confined for a given interval within the walls of the Conciergerie at Paris. So that, whilst the convicted nobleman was enjoying his liberty about the streets of the British metropolis, he was, in contemplation of French law, as well as in the opinion of every loyal subject of the exiled monarch, undergoing the rigorous sentence of imprisonment in a prison in Paris. However, he was at last released from his imaginary imprisonment by the hand of death. The supporters of the present measure told the House, that it was not likely that any attempt would be made to invade the provision of the bill. That the gentlemen against whom it provided, and who were of the highest and most respectable station in Ireland, would conduct themselves discreetly and advisedly, he had no doubt; but it could not be denied, that the persons over whom the act was to extend, were persons over whom they had no control but such as affection afforded; and that being destroyed, little could be expected from them. The alternate course of advising and threatening, put him in mind of the West Indian, story of, "If you flog, flog; if you preach, preach; but no flogging and preaching both at the same time!" So he would say; if you advise them, advise them as friends; if you proscribe them, proscribe them as enemies, but for Heaven's sake do not act both parts at the same time. As to the mere question of whether the Catholic Association was to be destroyed or not, he thought it one of no further importance—for it would be sure to make its appearance again in another shape except that it would tend to exasperate the Irish population. There were two ways of pacifying Ireland; one was by concession, the other by proscription. The former was the easiest, and the most complete mode. Why, he asked for the ninety-ninth time, should not emancipation be granted to the Catholics? The right hon. Secretary for the home department opposed emancipation, because he considered it to be incompatible with the security of the Protestant church establishment in Ireland. He believed the right hon. gentleman to be sincere in that opinion. But, why did those who had united themselves to the administration, and who always recommended emancipation as a panacea for all the ills of Ireland—why did they now, when the malady was raging, apply a blister which could only irritate? He would never consent to the passing of the bill until parliament was informed of the conditions which lord Wellesley had coupled with his recommendation of the measure. He could not believe that that distinguished individual could, at this time of day, be weak enough to change his opinions, or base enough to sacrifice them. Could it be, that one half of lord Wellesley's recommendation had been attended to, and the other half rejected—that the cabinet had been accessory to withholding half of the noble lord's despatch, in order to give an undisputed victory to the other part? It was the duty, not alone of the friends of the Catholics, but of every friend of liberty, to oppose the bill. He believed that the closest sympathy existed between the Association and the Catholic body in Ireland, and he knew that it was the case with respect to the Catholics of England. There had been very little communication of feeling between the English Catholics and the Irish Association, until this attack upon that body; but now every Catholic in England, from the earl-marshal, the Howards, the Talbots, and the Arundels, down to the meanest peasant, was pledged to link his fate with that of the Association. The right of free discussion was the only plank which was left to the despairing Catholics; and to that they would cling to the last moment.

Sir *E. Knatchbull* gave his hearty support to the bill. He thought that a body which possessed such power as the Catholic Association ought to be put down; for although, as it was said, they had only hitherto exercised it for good, they might exercise it for harm. He had always, from conscientious motives, opposed the

Catholic question, and he would always continue to oppose it. He felt it due to his constituents to say thus much.

Mr. *Maurice Fitzgerald*, the knight of Kerry, said, he would endeavour to avoid those topics which had already been touched upon in the course of the discussion which had taken place on the subject, and confine himself to suggesting some practical considerations which bore upon the question, and were, he thought, worthy of the attention of ministers. The ground on which it was proposed to pass the bill was, the danger of suffering such a body as the Catholic Association to exist. He had already acknowledged the danger of the existence of a body which had it in its power to wield the mass of the people. If he were to attempt to contradict that position, he should only be abusing the patience of the House. But, the question was, were ministers taking a proper course to correct such a state of things? It appeared to him, that ministers had taken the effect for the cause. The Association was not the cause of the present danger, but the state of things which threw the population into the hands of such a body; and that was the effect of the postponement of that justice to the people of Ireland which they had been looking to parliament for during twenty-five years. He attributed the present state of things in Ireland to Mr. Pitt's administration. That minister told the people of Ireland, that by consenting to a Union with England, they would open a door to a fair discussion of their claims. The hopes of the Catholics were raised, and they looked forward with confidence to the justice and wisdom of the United Parliament. They were disappointed; and from that period did he date the commencement of that unhappy state of things which at present prevailed in Ireland. What had gentlemen on his side of the House been telling ministers for the last twenty years, but that dissatisfaction would increase in Ireland every year, until it would arrive at a pitch which would be fearful to contemplate? There was nothing in the character of the measure before the House to allay the danger of the state of Ireland. The danger was not the Association in Dublin, but that the Catholics were united. The bill would not remove the danger, though it might drive it to other modes of expression. Was this bill to be the only measure of state policy with regard to Ireland? Ministers had declared that the country was in a state of positive progressive prosperity. No doubt it was. But, in the present state of things, increasing prosperity was not a source of security; the growing strength of Ireland must be considered as a curse, and not a blessing to the empire. On that very circumstance a foreign enemy would ground his expectation of a successful invasion. Did ministers mean to say that they were themselves satisfied with the growing prosperity of Ireland? He would ask the House to consider what had been the history of Ireland since the Union. At the period of the Union, the Catholic aristocracy, and that most respectable body, the hierarchy, reposed boundless confidence in the government, and the mass of the people followed the example which they set them of zeal in support of the laws. That was a period when the ministry might have carried the Catholic question without a murmur, and without producing any effect, except that of placing Ireland in a state of permanent tranquillity and happiness. That would have healed the wound which former rebellions and that treacherous measure, the Union, had made. If since that period the Catholic body had undergone a complete change—if, instead of a nobility, and a hierarchy wielding the minds of the people—if, instead of the general subordination of ranks which then prevailed, the Catholic body had been drawn into a chaos, and thrown into the hands of men who would not, at any other time, have directed them, to what was it to be attributed but to their disappointed hopes; If a people were insulted, and degraded, and rendered desperate, it was not surprising that their direction should fall into the hands of the boldest and ablest men amongst them. The present measure indeed, as regarded even the views of its promoters, was a most extraordinary one? for it professed to rely less upon its own internal power, than upon the peacefulness, and reasonableness, and honour, and good feeling, of those against whom it was directed. Some honourable members went so far as actually to declare, not their belief that it might not be evaded, but their trust that it would be scrupulously acquiesced in. But, was there ever such an argument set up to justify a course of violence and coercion? "We do not imagine that we can make you obey us," said the advocates of the measure to the leaders of the Catholics, "but we rely on

your characters, on your state in society, on your known love of your country, to make you do so." Why, if these were the qualities among the Catholics which ministers looked for, and depended upon, in the name of Heaven, would they not do better to treat with such qualities upon some footing of conciliation? This was the course by which ministers might dissolve the Catholic Association. By some pledge given to the Catholics of Ireland that their case should be fairly, actively, seriously discussed, and immediately. Let such a pledge as that come only from authority, and the Catholic Association, in spite of all the leaders in the world, was extinct. It would melt away of itself, dissolve, and no power on earth would either keep it together or be able to reproduce it. Let the House be sure that the Catholics of Ireland would see their own interest too clearly not to attend to such a proposition. Honourable gentlemen talked of apprehending ulterior views; and one hon. baronet had thanked a right hon. gentleman for his assurance that, in every measure contemplated on behalf of the Catholics, the safety of the established Church would be amply provided for. Why the security of the established Church lay in the grant of the Catholic claims—its fullest, and almost its only security. The Catholics themselves wished to take that very view, and no other of the subject. He believed in his heart, that if the tithes of Ireland were offered to the Catholic clergy to-morrow, they would have too much good sense, too much knowledge of their own interest, to accept them; and in saying this, he only gave them credit for knowing their own interests better than to wish to stand in the shoes of a clergy who were maintained by such an unfortunate mode of provision. There were some other circumstances, than those which had yet been adverted to, which should induce the House to consider well at what time, as well as in what manner, they were acting. Feeling, as he did, much anxiety for the present political condition of Ireland, that anxiety was further increased by a reference to what was going on upon the continent. Perhaps there were some among the opponents of Catholic emancipation who would think he was now advancing an argument in their favour; but he did confess that he looked with great jealousy at the increasing religious zeal now visible in foreign Catholic countries. He thought he saw in the breast of the present Pope, an intention, which all despotic governments would be ready enough to assist, to revive, as far as possible, in the present day, that commanding influence which the Catholic Church had formerly exercised over the great mass of society. That there existed a disposition, and a strong one, in the Court of France to do this was undoubted; and it would not be very difficult to give that disposition an influence in Ireland. If the Catholic faith was to be denounced in England; if the Catholics of Ireland—for this was the doctrine of some gentlemen—were to be shut out for ever; if they could only be safely admitted to their rights, and this were plainly told them, by ceasing to be Catholics, was there nothing to be apprehended from the inflammatory paragraphs with which the papers of the continent were filled, characterising England peculiarly as the country of intolerance, and telling her to look at Ireland, when she talked of having given liberty to the world? The ultra newspapers of France spoke out—"England dares not go to war, for Ireland is a magazine of gunpowder, which a single spark would explode upon her hands." Was it supposed that these newspapers did not reach, or that they were not understood by the Irish Catholics? After all that this country had done to re-establish in France the throne of the Bourbons, he doubted whether that House would not be more ready to tamper with the population of Ireland than the government which we had overthrown. He believed that Napoleon Buonaparte would never have stirred up a religious war; but he was far from entertaining the same opinion with respect to the present reigning family. In fact, there stood the inflammatory declarations he alluded to: the French papers were full of them. It was by no means unlikely that an attempt might be made to organize an Irish brigade once more in France; for the courage and fidelity of the old force of that description, the House of Bourbon would not have forgotten. And, what was the remedy against all this? The remedy was clear—the declarations of Ireland herself plainly indicated it. The people of Ireland said to this country—"We value the franchise of your constitution beyond every other advantage. All we ask is to be included in it—to enjoy that which, under it you all enjoy yourselves." If they thought otherwise than this, they

needed not be long without getting rid of all necessity for urging the question of Catholic claims. And, if the measure before the House was carried, what practical advantage would be gained from it? He did not mean to enter into any justification of particular expressions: in opposing a bill like the present, he was not bound to do so; but he desired to correct an error which had been made with respect to his observation on a former evening—that, to understand some of the phrases charged against the Catholic Association properly, it was necessary that a man should be an Irishman. What he had meant, and still meant, to say, was this, with reference to the expression "By the hate you bear to Orangemen," it was hardly possible for a man, who was not a native of Ireland, to understand the state of parties in that country. Gentlemen did not know—they could not feel—the rooted hatred which the Catholics of Ireland bore to the Orange party, and the Orange party to the Catholics—for the aversion was mutual. This was the fact which became material, and by which he had intended to explain the word "hate," as contained in the address of the Association. There was no intention to awaken hatred in the expression —"By the hate you bear to Orangemen:" the allusion was to that hatred which every man who was to read the address knew already existed. This very feeling was breaking out in bloodshed whenever the population were left to themselves; and the charge was, "By the existence even of that feeling, we conjure you to avoid such acts of criminal violence." And, after all, if a little indiscreet language had been used, was not the same mistake frequently occurring in that very House? A late noble marquis (Londonderry) had said, in speaking of the Catholic question, that he would rather have a good Catholic, than a bad Protestant, as a member of the House. The bad Protestant meant a Protestant who thought, he (Mr. M. Fitzgerald) apprehended, as he had the honour to think himself; and certainly he was inclined to doubt himself if such Protestants did not argue questions like the present, more hotly, sometimes, than the Catholics would do themselves. If the language, all of it, were examined, which had been used in the course of the debate on the present measure, perhaps a good deal of it would be found even more inflammatory than that employed by the Catholic Association; but still that fact would hardly justify a bill which was to limit the liberty of discussion. Once more he would ask, what was to be gained by the bill, supposing it to pass? If the House did cut off the head of one Association—"non deficit alter." The existing society might be put down; but what was gained if a variety of smaller ones immediately arose, having the same end and object precisely in view, and extending themselves through every county or parish throughout the country? There was much complaint as to the intemperate language used: but the bill would not prevent a set of Irish gentlemen from meeting at dinner, nor could the House think that their speeches would be more temperate after dinner than before it.

Colonel *Trench* said, that instead of occupying the time of the House with any observations of his own, he would read a catalogue of what had been done for the improvement of Ireland within a few years; and on the other hand he would shew, by way of contrast, the conduct of the Association. He would then leave it to the gentlemen of England to decide whether this Association ought not to be put down. He would rather that they should decide the question than those who were, like himself, connected with Ireland. All that parliament could do had been done. The main evils of Ireland were not within the reach of legislation; but the legislature had sown the seeds of happiness, peace, and tranquillity, from which might be expected a harvest of comfort and contentment. But the baneful and counteracting influence employed was equally clear. The good would have been felt but for the blighting influence of the Association, led on by the ambitious views of individuals who would be sorry to see peace in Ireland. The first benefit, he had to point out was, the new organization and better establishment of the sheriffs in Ireland. The right administration of the law had been enforced. The next benefit was the improvement of the Customs and Excise. This had been felt in the remotest part of Ireland. Another benefit was the total repeal of the Assessed taxes. The Distillery laws had in the same way been modified and improved, by which smuggling was repressed, and young men who had lived in hostility to the government were rendered sober and industrious. Manu-

factures, too, had been introduced, and the education of the people promoted. He lamented that impediments were thrown in the way of education, by the injudicious zeal of those who would accompany it with their tenets and peculiar doctrines. If education merely, without any religious interference, were encouraged, it would produce the greatest blessings to that country. The tithe-commutation was another great benefit. Those who were against the peace of Ireland, were against a measure calculated to reconcile the Protestant clergy with the population. The reform of the magistracy was an important benefit, for local prejudices often rendered magistrates unable to fufil their several duties. The Catholic clergy, he was of opinion, ought to be paid by the government, and liberally paid. But there were some things of the utmost importance to Ireland, which the government could not effect; such as moderate rents, forbearance in exacting them, and decent habitations. Now, what had the Catholic Association done to counteract these advantages? They collected what they called Rent, and all who did not contribute to it were held up to the execration of the country. The Catholic Association had unbounded influence over the poorer classes. The great leader of the Association, one who knew well the disposition of the people, had characterized them as warm, enthusiastic, brave, generous, easily impressed, and easily excited. What must the House think of the effect upon such a people of vehement declamation on their insulted and degraded state? They might well be supposed to be rendered desirous of risking any thing for a change. With regard to the language which had been held at the meetings of the Association, and in its addresses, it was said that single passages were selected. It would not be difficult to point out, however, many others quite as objectionable as those which had already been read to the House. The hon. member then quoted several passages from the documents of the Catholic Association; and concluded by saying, that the question of Catholic claims ought, in his opinion, to be referred entirely to the country gentlemen of England; and that the eloquence with which those claims had been supported, ought not to deter them from that course which they esteemed to be their duty.

Mr. *Sykes* expressed his astonishment at the favourable view which had just been taken of the condition of Ireland, especially when he recollected the very different opinion which had been given on the same subject no longer ago than last year. The hon. gentleman then proceeded to say, that the opinion of the great body of the people of England had become changed on the subject of the Catholic question. It was now generally admitted, that a man might be of a different religion from the great body, and yet be capable of enjoying all his civil rights. In the very populous town which he had the honour to represent, all feeling of illiberality on the score of religion had, in a very great degree, declined. He remembered a time when those who supported the Catholic question were not only unpopular in the town of Hull, but were in some personal danger; but now, he not only professed himself favourable to the Catholics of Ireland, but a decided advocate for their claims; and he was certain that at the next election he should not find one enemy on that ground. The fact was, the eyes of the people were opened. They were becoming every day more enlightened, and saw the absurdity and injustice of depriving any man of his civil privileges on account of his religious opinions. It was impossible to look at this measure in any other light, than as an attempt to put down the Catholic Association, without reference to any other society. Was there any one who atetmpted to argue it on any other ground? It was true, the Association might be put down; but would the bill have the effect of repressing the spirit of the Catholics of Ireland? Whatever might be its immediate effects, he was satisfied it would, in the result, do more harm than good. With respect to the Association itself, it must be considered as growing out of the state of the public mind in Ireland, on the subject of the Catholic question. As to the mode in which they should be treated, he would suggest—

> "Be to their virtues very kind,
> Be to their faults a little blind."

Coercion, such as this bill proposed, would be wholly ineffectual.

Mr. *Grenfell* wished to explain an observation which he made on this subject the other night, and which seemed to have been wholly misunderstood. He had said, after hearing the statement of the right hon. Secretary for Ireland, that if this Association interfered with the administration of justice, it ought not to

be suffered to exist, and he would give his vote for putting it down; but he did not pledge himself to give his support to the particular means by which that object was to be effected; and now, after having perused the bill, he was prepared to oppose its second reading. He should repeat what he had before stated, that for one million of Protestants to attempt to coerce six millions of Catholics was injustice—that to perpetuate that injustice was oppression— that if, thus injured and oppressed, the Catholics did resist, he prayed to the Almighty God that such resistance might be succesful [cheers].

Mr. *Philips* denied that the existence of the Association had prevented Englishmen fron embarking their capital in business in Ireland. The manufacturers of Lancashire were not at all afraid to send over their cotton-twist into that country, and that trade was extending every day. He believed that as long as tranquillity continued in Ireland, whether produced by the measures of government, or the influence of the Association, Englishmen would not object to send their capital to Ireland; but though the country was now tranquil, he was convinced that its tranquillity would not be permanent, unless it rested upon an amicable settlement of the Catholic question. That he could hardly hope for, so long as he saw the Cabinet divided upon this important question. He was almost ashamed of the name of Englishman, when he reflected on the degradation to which England was exposed throughout Europe, even in the eyes of the Holy Alliance, by her illiberality on the ground of religious difference.

The House divided: For the second reading of the Bill, 253; For the Amendment 107; Majority, 146.

List of the Minority.

Abercromby, hon. J.
Althorp, visc.
Anson, hon. G.
Benyon, B.
Benett, J.
Bentinck, lord W.
Birch, J.
Brougham, H.
Browne, Dom.
Bury, visc.
Byng, G.
Calcraft, J. H.
Calvert, C.
Carew, R. S.
Carter, J.
Caulfield, hon. H.
Cavendish, lord G. A. H.
Cavendish, C.
Coke, W. T. (Norfolk)
Colborne, N. W. R.
Cradock, S.
Crompton, S.
Davies, T. H.
Denison, W. J.
Dundas, hon. T.
Ebrington, visc.
Ellice, E.
Evans, W.
Fergusson, sir R.
Fitzgerald, rt. hon. M.
Folkestone, visc.
French, A.
Glenorchy, visc.
Graham, S.
Grattan, J.
Grenfell, P.
Guise, sir B. W.
Gurney, R. H.
Hamilton, lord A.
Heron, sir R.
Hill, lord A.
Hobhouse, J. C.
Honywood, W. P.
Hornby, F.
Howard, H. G.
Hume, J.
Hutchinson, hon. C. H.
James, W.
Johnson, W. A.
Kingsborough, lord
Knight, R.
Lamb, hon. G.
Lambton, J. G.
Leader, W.
Leycester, R.
Lushington, S.
Maberly, J.
Maberly, W. L.
Macdonald, J.
Mackintosh, sir J.
Mahon, hon. S.
Marjoribanks, S.
Martin, J.
Martin, R.
Milton, visc.
Newport, sir J.
Normanby, visc.
O'Brien, sir E.
Ord, W.
Osborne, lord F. G.
Palmer, C. F.
Parnell, sir H.
Phillips, G.
Phillips, G. R. jun.
Power, R.
Price, R.
Pym, F.
Ramsden, J. C.
Rice, T. S.
Ridley, sir M. W.
Robarts, A. W.
Robarts, G. J.
Robertson, A.
Robinson, sir G.
Rowley, sir W.
Rumbold, C. E.
Scott, J.
Sefton, earl of
Smith, J.
Smith, G.
Somerville, sir M.
Stanley, lord
Stuart, lord P. J.
Sykes, D.
Talbot, R. W.
Tierney, rt. hon. G.
Townshend, lord C.
Wall, C. B.
Warre, J. A.
Webbe, E.
Whitbread, S. C.
Whitbread, W. H.
White, S.
White, col.
Wilson, sir R.
Wood, M.
Wyvill, M.

TELLERS.

Nugent, lord
Calcraft, J.

HOUSE OF COMMONS.

Tuesday, February 22.

St. Catharine's Docks Bill.] Mr. *Grenfell* moved the second reading of this bill.

Mr. *Calvert* said, he would, at a proper time, object to gentlemen who were interested in the measure giving their votes in favour of it. Never was a bill brought into the House in so barefaced a manner as that of last year. Persons holding shares to the amount of 50,000*l.* had voted for it. He would move, "That the bill be read a second time this day six months."

Mr. *Manning* saw no necessity for these docks. The London Dock afforded sufficient accommodation to the commercial world, and if more were required, they could furnish it.

Mr. *Wallace* supported the bill. The parties wanted no exclusive advantages.

They had not brought forward the measure lightly. It had undergone the most mature consideration. It was fit, that, in a great commercial country, there should be competition in undertakings of this description. Accommodation of the best kind should be given to merchant-vessels, and that would be best obtained by open competition. Why should the London Dock Company have a monopoly? The fact was, that those who opposed the bill were afraid of losing the gains which they realized by a monopoly.

Sir *J. Yorke* said, he would advise gentlemen to keep their money against a rainy day, instead of trying to ruin each other by embarking in all sorts of projects. He wished to give every protection to the mercantile marine of this country, but he thought there was sufficient dock-room already. When he saw the number of bills which were called for, he felt that there was a clashing of interests, which was likly to end in the ruin of different parties. There were companies of all descriptions: companies to bring salt water from Brighton, and air from Bognor—companies to "bring airs from Heaven, and blasts from Hell." When he saw this, he fell back on his own resources, on the principles of his own unconquered mind, and seriously asked himself, whether the gentlemen who thus employed their capital were in the right. In his opinion they were not; and therefore he should oppose the bill.

Mr. *Sumner* thought that competition was a very good thing; and had no doubt that if the proposed docks were laid aside, the existing companies would raise their prices.

Mr. *Grenfell* said, that the only opposition to the measure had proceeded from those who were interested in the present dock companies.

Mr. *Monck* objected, not to the principle of the bill, but to the particular place selected for the erection of the docks. The parish contained 8 or 10,000 persons, who were chiefly employed in the lighters on the river, and they would be deeply injured if it were carried into effect. He objected also to the sacrilegious exhumation of the ashes of the dead, which must be a consequence of it.

Alderman *Thompson* said, that a large number of the inhabitants had consented to the measure, and almost the whole body of merchants and ship-owners were unanimously in favour of it.

Sir *R. Fergusson* said, there was not an out-port in the country which did not, with good reason, complain of the accommodation in the London docks. He saw no possible objection to the bill.

Alderman *Heygate* said, there was at present as much competition as was advantageous without any new docks.

Mr. *Ellis* said, he was instructed from Dublin, the merchants of which port had not at present sufficient accommodation in the London Docks, to support the bill.

The House divided: for the second reading, 118: against it, 30.

County Transfer of Land Bill.] Mr. *Fyshe Palmer* rose to move for leave to bring in a bill to empower magistrates at quarter sessions to effect Exchanges between counties of insulated Parcels of Land, for the more convenient administration of justice. To provide a remedy for the inconvenience and perplexity which resulted from having certain parcels of land belonging to particular counties situated at a considerable distance from those counties, was the object of his bill. The best method of prevailing upon persons to apply a remedy was, to prove the existence of the evil. That he would endeavour to do, by stating a few short facts. In the first place he would remind the House that Holy Island, which lay off the coast of Northumberland, did not, as one would naturally suppose from the situation, belong to that county, but to the county palatine of Durham. Another place belonging to Durham, called Crake, was situated in the centre of Yorkshire, fifty miles from the courts of the county of which it was called a part. Its inhabitants voted for members of Parliament for the county of Durham, whilst the assessments for land were made in, and men were raised and embodied for, Yorkshire. In the same way a part of Derbyshire was to be found in Leicestershire: and a part of Huntingdonshire in Bedfordshire. From the town of Oakingham, a tract of land belonging to Wiltshire ran into Berkshire, for about four miles in length. It was, in some places, two miles in breadth, and in others not half a mile; and there was no notorious mark by which the boundaries of the two counties could be defined. In like manner Swallowfield East, and Swallowfield West, both belonging to Wiltshire, were situated in Berkshire. He had the authority of all the magistrates on the Oakingham bench for

stating, that the situation of the three parcels of land which he had mentioned, had for many years produced great inconvenience. He had seen a bill which had been framed with reference to this very subject, by lord-chancellor Hyde, who had resided for some time in the parish of Swallowfield. The bill was drawn up with great accuracy, it enumerated every parish, tithing, and village within the three parcels of land before-mentioned, as well as all the evils which had arisen, or were likely to arise, from their locality, and the remedy which it proposed was, that those three parcels of land should be annexed, for all purposes whatever, to the county of Berks; that all power and jurisdiction over them should be taken from the lord-lieutenant and the magistrates of Wiltshire, and vested in those of Berkshire, with full authority to raise all dues and subsidies, all tenths and fifteenths, and all taxes whatever. The bill also contained a saving clause, guarding the right of every man's inheritance. He would not enter into an inquiry as to whether the divisions of the kingdom were effected under the reign of Alfred—or under that of Offa, or whether the division by tithings—or by counties, was of the greatest antiquity; but he must say a few words on the constitution of shires, as he thought he could make it appear, that the establishment of those isolated spots in particular counties, which created so much inconvenience, must have been the effect of some overpowering influence, in direct violation of the principle which led to the establishment of county courts, itinerant magistrates, and of the office of high sheriff. He found, from several authorities, that there were three objects proposed to be attained by the constitution of shires. The first was to suit the ease and convenience of the people, because all justice being at that time immediately in the Crown, and administered only where the king was personally present, the increase of population rendered this mode of dispensing justice troublesome. It was therefore ordered, that every shire should have justice administered within itself, by county courts holden monthly to settle disputes between parties, and by sheriffs' courts holden half-yearly, to take cognizance of criminal cases. The second object of the constitution of shires was the more easy conservation of the peace; because the sheriff, being constantly resident in the county, and at a convenient distance from all parts, could without difficulty suppress all tumults, and execute all process. The third was the more easy defence of the country, and to facilitate the raising of subsidies, and all kinds of taxes. These being the objects proposed to be gained by the constitution of shires, it remained for him to show by what influence these isolated spots which he had before described, could have been established in almost every county of England. He was of opinion, that they were established by the influence of men of great rank and power, and of the church. Dugdale, in his Warwickshire, speaks of a spot of ground which interfered with his survey, and which he found to belong to the county of Worcester. He ascertained, that this piece of land belonged to the church of Worcester, which, upon the general division of land throughout the kingdom, had influence enough to preserve it, and, ever after, it continued to be taxed as part of that county. Sometimes those isolated parcels of land had been retained in counties, because they were attached to the seigniories of great noblemen. In Devonshire was a parcel of earldom land which had always been taxed as belonging to the county of Cornwall. In Berks was a piece of land called Twyford, which belonged to Wiltshire, although it was twenty miles from that county: the reason was, that it constituted part of the possessions of the abbey of Amesbury, in Wiltshire. He knew that the House would be likely to object to any thing like innovation, and therefore he would show a precedent for the measure which he proposed. In 1698, the counties of Ross and Cromarty were, by an act of session, united for all purposes, and have since been considered as one county by almost every act of parliament which had been passed relative to them. In 1740, many changes took place in the geographical situation of the county of Dorset; and a variety of changes had, at different times, been made in counties, by forming several small hundreds into one large hundred, and by dividing large parishes, in order to collect the poor's-rate more easily. There was one precedent which he could not omit to mention, because it would have weight with the House as being one of its own measures; he alluded to the act of the 41st of George 3rd, which was passed for the purpose of annexing Malta to the map of Europe.

He trusted that the House would not object to the introduction of the bill.

Mr. Secretary *Peel* had no intention of opposing the motion; on the contrary, he would give the bill every consideration, although he could not at present pledge himself to support it. As it struck him, there would be some difficulty as to the detail of the measure. The hon. gentleman, for instance, had not stated what he intended to do as to the elective franchise. Again, what arrangement was to be made with respect to county rates, assessed for works which were already completed, but not paid for? The bill, further, only proposed to give the power of exchange to counties; it was not provided what a county should do which desired to take, and had nothing to offer in return.

Mr. *F. Palmer* said, that with respect to the elective franchise, it would be impossible to make any new arrangement at the eve of a dissolution of parliament. His view was, that no alteration should take place until one year after the next general election. For the matter of county-rate, the sum at stake would be so trivial that it might be easily disposed of.

Leave was given to bring in the bill.

PARISH VESTRIES IN IRELAND BILL.] Sir *John Newport* moved for leave to bring in a bill, amending the law with respect to Parish Vestries and Assessments in Ireland. To induce the House to countenance the introduction of this measure, it would be necessary for him to show that the existing mode of regulating parish business in Ireland was objectionable. It was most objectionable, upon two grounds; first, there was no control as to the levy of the rate; and next, there was no sufficient responsibility as to the disposal of the money when collected. A great deal of difficulty as to all church matters must no doubt continue to exist in Ireland, so long as the religious parties of that country remained in their present anomalous situation. He knew that he should have to meet this plea; and also to contend with gentlemen, whose opinions upon the general question of Catholic rights were opposed to those which he supported; but he still believed that he should produce some facts, of a description so entirely conclusive, as that all parties must concur in the necessity of immediate investigation and reform. In the days of king William, and of queen Ann, the Catholics of Ireland, as well as the Protestants, had still the power of voting in vestries. It was not until the reign of George 1st, that that power had been taken away. One of the last acts of the expiring parliament of Ireland had been to unite a variety of parishes, on different pretences, one to another. The extent of some had been so increased by that arrangement, as to exceed sometimes twenty, or even five-and-twenty miles: and one crying evil arising out of that course had been, that people residing at one end of a parish were constantly compelled to pay for works or repairs done to a church at another; while, to that very building, which was raised at their cost, it was impossible, in the nature of things, that they could ever have access. It might be recollected, that in the last session he had moved for returns generally, of church-rates levied in Ireland within the last ten years. Those returns were extremely voluminous. A very few items selected from the account would be sufficient to show, that even the statute law made to regulate the conduct of vestries in Ireland was every day evaded, or openly set at defiance. One statute had fixed the salary of parish clerks, and had declared that in no instance it should exceed a given amount. That same law made a distinction between the payment at churches where the service was weekly only, and those at which it took place every day. Now, he would show at once, not merely that the salary fixed for daily duty had been given where the duty was only done on Sunday, but that even the utmost amount allowed for daily duty had, in many instances, been exceeded. For example, the parish of Thuries, in the county of Tipperary; in the accounts of that parish he found one item of between 35*l.* and 40*l.* for ornamental hangings within the church. Now, this was a work of decoration, not of necessity; and nine-tenths of the rate for it, let the House observe, was paid by Catholics, who had no interest in, nor any access to, the church at all [hear, hear]. In the county of Wexford, again, two parishes, ten miles distant from each other, had been united: here he found, among other curious items, "Sexton and Beadle's salary," 10*l.*, raised, in the year 1814, to 20*l.*; and a note affixed, stating that this increase had been given "because the practice of ringing funeral bells was discontinued, owing to the church having no bell." In the very next line of his list, he found "salary to parish clerk," so

much; and so much more, "compensation to the former clerk for having been removed." In another instance, he found the charge of "20*l*. a year for an organist:" he knew of no right the vestry had to tax that parish for such a purpose. This very charge of 20*l*. stood, afterwards, in the year 1805, increased to 50*l*. "in consequence of the corporation having withdrawn its 30*l*. a year subscription, for want of funds." In the very next year, there came a new item—"for repairing the clock;" that expense, as well as the pay of the organist, having got transferred from the corporation to the parish. But these measures, so far, had been moderate, the really doubtful ones were yet to come. Castle Comber, in the county of Kilkenny. Among the charges against that parish, he found the following:—"To William Taylor, carpenter, for work done at the parish clerk's house, and at the school-house, 22*l*." Now, who did the House think this Taylor was? He was actually himself, both parish clerk and schoolmaster, receiving a salary of 10*l*. in the one capacity, and of 2*l*., with a gratuity of 6*l*., in another. In this same parish, in the same year, there was a charge of 37*l*. 8*s*. for church robes—this to be paid by a population, nineteen-twentieths of which were Catholic. In another case, the parish of Timmoul, in queen's county, a subscription appeared, and an honourable one, towards repairing the church, of 20*l*. from the rector, and 50*l*. from the marquis of Lansdown. With respect to Tuam, where the cathedral church was also the parish church, the statute which authorized the lord-lieutenant, in some cases, to unite a parish church with a cathedral church, had been, as regarded the union of Tuam, entirely abused. The law said "that whereas in certain dioceses of Ireland, the cathedral churches were so inconveniently situated that they could not be frequented for divine service, and were therefore suffered to fall into ruin and decay." Now, this could not apply to Tuam, which stood not "inconveniently," but in the middle of a town; but even where it did apply, he had very little doubt, that while the cathedrals went to decay, the dignitaries connected with them found means to collect and enjoy all the dues of their benefices. But the statute went on to say, that where this decay existed, and there seemed to be no probability of repair for want of funds, there the union with the parish church might take place, half the expense of repair to be defrayed out of the economy fund of the cathedral, and the other half by the parish. Now, he repeated, that the conditions of Tuam cathedral could not justify this union at all; but still more, the expense of repair was now defrayed, not the half, but the whole of it, by the parish. It might be worth while to consider hereafter the treatment to which the persons who had petitioned against this measure had been subjected; but at present he would go on to the expenses charged against that parish, almost every item of which was in violation of the statute. To begin, the salary of the parish clerk was 20 guineas, 20*l*. being the highest rate, in any case, allowed by law. There was a sexton at 10*l*., with an addition to that allowance in 1818. But the most curious charge was, "For twelve quarto prayer-books for the church, 12 guineas." "For two bound in morocco, for the communion," so much. "For eight smaller ones," so much more. There was scarcely a Protestant went into the church but had a prayer-book at the cost of the parish! With respect to the collection of the assessment, a Roman Catholic gentleman had offered to collect it for 20*l*. This proposal had been rejected, and it had been given to some one else at 30*l*. The effect of all this was, that the parish rate, which had in 1812 been two-pence farthing in the pound, was now sevenpence. Could any man doubt that there was a necessity for control over proceedings like these, when four or five Protestants were taxing the whole parish in any way they pleased? Against the parish of St. Peter, Drogheda, there was charged, "An organist, 50*l*. a year;" "A boy to assist the organist, 5*l*. a year;" "To the tuner of the organ, 10*l*." The parish clerk was paid 30*l*.; the sexton had 24*l*., raised in 1818 to 31*l*. Then for rebuilding the house of the parish-clerk and sexton, 429*l*. 9*s*. Had any body ever heard before of a parish building houses for a clerk and sexton? And at such a cost as 429*l*.? And this was not all, for actually, in 1823, there was, "for improving the clerk's house," a charge of 33*l*. A further item of 16*l*. 11*s*. appeared for wax candles. And for wine for the sacrament, from the year 1812 to the present time, from 21*l*. to 36*l*. annually. It was under these circumstances, that he had thought it his duty to bring forward the present measure. The parish of St. George, Dublin, had been regulated a

good deal by a special act of parliament; but in that parish, the burthen of the rates was producing the most serious mischief. Houses, in consequence of the assessments on them, remained without tenants; and as the dues went on all this while accumulating, when a house had been two or three years unoccupied, the amount of the back rate made it impossible to take it. Now, in St. George's parish, the building of the church, which had been estimated at 16,000*l*., had been swelled to 57,000*l*. A great part of that sum had been raised upon interest, which was now a heavy burthen upon the parishioners, and the trustees for the building had contrived to be exempt from any audit of their accounts. The necessity for a change must be obvious to every man. His wish was, that where vestries were held for building or repairing churches, or for choosing parish officers, they should not have power to go into any other matter; and that, at all vestries held for purposes of a general description, Catholics as well as Protestants should be entitled to assist.

Mr. *Goulburn* felt no disposition to oppose the bill; for, to satisfy all parties, the readiest course was investigation. The established church must be maintained in Ireland; and maintained, as to all expenses that were necessary, by the population; but, as far as the correction of abuse could go, if abuse existed, the present measure should have his best assistance. With respect to the particular instances, he was not prepared to go into them; but he had already looked through the returns, and, before any further discussion took place, would endeavour to attend to them more fully.

Leave was given to bring in the bill.

LANDLORDS AND TENANTS IN IRELAND.] Sir *Henry Parnell*, pursuant to notice, rose to call the attention of the House to the acknowledged defects of the law of Ireland, concerning Landlords and Tenants. He did not intend to propose any thing to the House by way of giving more power to landlords to recover rent; his object was, to remove those impediments which were in the way of landlords improving their estates, and to check that habit of subdividing farms which had so much contributed to the excessive population of Ireland. If the causes of the misery and destitution of the people were properly explored, they would be found all to concentrate into one—the excess of the numbers of the people, above the funds that existed for giving them employment. The consequence of this state of things was, that the wages of labour were much too low to admit the lower orders to provide for more than their bare subsistence, when provisions were plenty; and that they were exposed to all the horrors of actual famine, the moment the prices of provision advanced beyond the ordinary lowest prices. Whatever variety of opinion might prevail respecting the depression or improvement of the condition of the lower orders of society, this principle was undeniably certain, that their misery or comfort depended wholly upon the wages the labouring class could earn. If wages were as low as they are in Ireland, it was with the greatest difficulty that human existence could be sustained, there existed nothing like enjoyment or comfort; on the contrary, in a county where wages were high, there the labouring class were not only able to live on good food, but, to purchase many of the smaller luxuries and conveniences of life. Now, in regard to Ireland, it had been shewn by several intelligent witnesses, before the committee now sitting, that if the whole sum paid in the course of one year, was divided among all the labouring class, it would not make a higher average per man, per day, throughout the year, than four-pence. Many persons considered this too high an average: but, taking it at the rate of four-pence, the House would at once see in what an extreme state of depression the lower orders of Ireland exist. In order to improve their condition, and to place them in such a state as human beings ought to live in, the rate of wages should not be less than one shilling a day, which was one third less than the rate in England. But, to accomplish this object, no less a difficulty occurred than that of some how or other making the funds for maintaining labour in Ireland three times as great as they now were. That this might be accomplished was certainly practicable, and no doubt the capital of Ireland was rapidly increasing; but this great mistake was made by all those persons who were in the habit of confining their plans for improving the condition of the people of Ireland to the augmentation of capital, that they wholly overlooked the fact—that while capital was increasing, the population of Ireland was also increasing. They ought, there-

fore, to extend their views, and do all in their power to promote those measures which might be fit for the retarding of the progress of this increasing population. But the population was not only increasing, but, according to all past experience, and the authority of all writers upon the subject of population, it was, no doubt, increasing more rapidly than capital was increasing. The principle universally laid down and acknowledged to be correct was, that the tendency of population to increase, was greater than the tendency of capital to increase, and therefore that there existed the greatest difficulty to bring the ratio that capital bears to population to that point which will secure a steady demand for labour, and consequently a sufficient rate of wages. For these reasons, besides doing all that can be done to increase capital, every effort should be made to produce some change in those habits of Ireland, which were so much calculated to increase the existing population, and in this way to increase the wants and misery of the people. Among those habits none had been more productive of the present distressing condition of the lower orders, than the facility with which farms were divided and subdivided, without any consideration of the means by which the families reared upon these small tenements were to be employed. This had been very much owing to the practical difficulty that landlords had found in enforcing the clause against alienation that was commonly inserted in their leases; not that the law was against the landlord, but because there prevailed a great prejudice in the courts of law, both on the part of the judges and the juries, against the enforcing of the law. Mr. Blacker in his evidence before the select committee in Ireland, said, "Very great difficulty arises in preventing alienation, not in the law, but in carrying the law into effect; juries are always against any case of forfeiture, and indeed the courts also." What the exact alteration of the system was that was wanting, the hon. member said he would not now undertake to say, but it must not be any thing short of giving to the landlord a simple and effectual power absolutely to prevent sub-letting, contrary to the covenant of the lease. If the House gave him leave to bring in a bill, he would wait, before he presented it, to hear what further evidence on the subject might be given to the committee now sitting on the state of Ireland, and frame his bill according to the plan that appeared to be best suited to his object. He should also provide for relieving under-tenants from being distrained by the head landlord, and also for some remedy for the great abuses that were now practised under the laws for taking distress for arrears of rent. He hoped the House would think favourably of this attempt to put a stop to the practice of subdividing farms; for there was no circumstance in Ireland that led to so much poverty and misery, and contributed so much to obstruct internal improvement, as this universal practice of sub-letting, in defiance of the rights and interest of the landlords. He then moved, for leave to bring in a bill "to amend the law of Ireland, respecting the sub-letting of Tenements."

Mr. *Hume* feared, that the proposition would go to the extent of compromising the principle laid down by the House, of not interfering with the disposal of property. If he understood the hon. baronet, his object was, to limit the landlord and tenant as to the disposal of their property.

Sir *J. Newport* said, his hon. friend was quite mistaken. The object was, to enforce the performance of contracts between landlord and tenant, which had been hitherto frustrated by courts of law and juries. In support of the necessity of the projected measure, he could mention instances wherein land leased out twenty-five years ago had been infinitely deteriorated, in consequence of the transmission through various branches of families.

Leave was given to bring in the bill.

JUSTICES OF PEACE IN IRELAND.] Sir *H. Parnell* rose to submit another motion, of which he had given notice, to move for leave to bring in a bill to regulate the office of Justice of Peace in Ireland. He did not intend to enter, on this occasion, into any detail as to the conduct of the magistracy of that country, but he thought that some measure was necessary to follow up and enforce the excellent regulations respecting the magistrates which had been introduced by the marquis Wellesley. One of the great evils which that noble lord had tried to remedy was, that of magistrates acting in their private houses, instead of holding courts of petty-sessions; a practice from which the most injurious consequences had proceeded. Independently of this, he thought it necessary that the number of magistrates

should be restricted, so as to get rid of many at present in the commission who were unfit for that situation. In the propriety of the regulations which had already taken place, he entirely concurred; but he thought they did not go far enough. It was, he knew, objected, that if all who were unfit were removed, there would not be enough to do the business of the country; but, if the objection had any weight, the way in which the evil might be remedied, was not by appointing persons wholly unfit for the duties of the office. He was anxious that the leave for bringing in the bill might be a sort of pledge that something further should be done on this subject; but what the nature of the precise remedy should be, he would leave in the hands of the committee appointed to bring in the bill. He thought the House ought to go further than the Irish government had done, and that some new principle should be laid down in the appointment of Irish magistrates.

Mr. *Goulburn* said, he would not oppose the motion, but he begged that his assent on this occasion might not be considered as a pledge to support the measure when introduced. Indeed, there were some clauses in the intended bill to which, if report spoke truth, he could not give his assent; as he did not think they would benefit that country. This was a subject which had been under the consideration of the Irish government. Persons had been sent into the different counties with instructions to make inquiries. Their reports had been submitted to the judges of the land; and the reason why no measure had been introduced upon them was, that it was not considered expedient at the present time. But, he could assure the House, that where any case had occurred which called for the interference of the lord-chancellor of Ireland, he had discharged the difficult and invidious task in a manner highly beneficial to the interests of justice.

Sir *J. Newport* begged to suggest in the proposed bill the substitution of lieutenants and deputy-lieutenants, instead of the governors and sub-governors of counties in Ireland. He wished to see the plan assimilated to that of England, where the lord-lieutenants of counties were answerable to the Home office.

Mr. *S. Rice* said, that if by this bill it was intended to introduce paid officers among the magistracy, he should deprecate it as having a most injurious tendency.

Mr. *Grattan* said, that as far as he understood the present bill calculated to produce a regular attendance at petty sessions, he would give it his support.

Mr. *L. Foster* did not much admire the practice of introducing specific measures into the House, upon which a committee up stairs was sitting, and upon which it had not yet reported. With respect to the effect of the proposed bill, if it sanctioned the introduction of a paid officer as an assistant to the magistrates at petty sessions, that officer not being a magistrate, it would have a most injurious effect.

Lord *Milton* expressed his surprise that any member should object to the introduction of a particular measure with respect to Ireland, because there was a committee on the general state of that country sitting up stairs. Such a doctrine would place the whole government of Ireland in the power of the committee for the time being.

Leave was given to bring in the bill.

UNLAWFUL SOCIETIES IN IRELAND BILL.] On the order of the day for going into a committee on this bill,

Mr. *Hume* rose for the purpose of submitting a resolution by way of instruction to the committee. He had, from the first introduction of this measure, felt that it was unjust towards the Association against which it was directed, and cruel to the great body of the people of Ireland. One of the evils by which that unhappy country was afflicted was, the practice of introducing bills on every occasion. They had bills on all sides of the House to patch up some part of a bad system, instead of adopting a general measure which would go at once to the root of the mischief. The present was one of those patching bills. No one had attempted to say that it would remedy the present system in Ireland. It was introduced without any evidence of its necessity. The only evidence given were the verbal statements of one or two members on one side of the House, which were most flatly contradicted in every part by hon. members on the other. It was stated, amongst other things, that this Association had caused great alarm in Ireland. He denied the fact. If any alarm was felt, it must have been by the small faction who had so long held the ascendancy in that country, and the undisturbed monopoly of place and power. The representations made by the advocates of the bill, were of a very contrary

description. One party said, that the proceedings of the Association had disturbed the tranquillity of Ireland, whilst the other asserted that Ireland was never in a state of less riot and disturbance. The House ought to have inquired which of these representations was correct, before it allowed the bill to reach its present stage; but as it had not made such inquiry, he should feel it his duty, if the bill must pass into a law, to render it as equal in its operation as possible. He should, however, give the bill his most strenuous opposition in every stage. He knew that, in all probability, such opposition would be fruitless; but it would be a consolation to him to have done all in his power to resist so partial and tyrannical a measure. It was too common an adage, that when men were down, they were to be kept down. That was the disgraceful principle which the government were determined to act upon towards the ill-treated population of Ireland. The Protestants—a small body of men—were to be preserved in the enjoyment of the spoils of that country. Let no man tell him, that this unjust ascendancy was to be upheld on any religious impressions. Religion had nothing to do with the question. The true cause of the alarm was, that the monopoly of the few of the rights of the many was in danger. It was for the possession of the spoil of the Irish people, by a fraction of that community, that all these fears were propagated; and as that spoil was of large amount and had been for centuries continued, the effort to retain it was most vigorous. The Catholics of Ireland were degraded and debased by such a system, and when they endeavoured to obtain redress they were also to be vilified. He held in his hand a document which showed that it was for the public spoil that the Protestant ascendancy in that country were struggling. In the Customs, the number of Protestants holding places were 226 while the number of Catholics were 14. In the Excise the number of Protestants were 365, while the Catholics amounted to 6. Indeed, driven as the Catholics were to despair, it was natural that they should look for relief to any quarter where relief was presented to them. For his own part, he was ready to declare, that if he were an Irish Catholic, it would be a mere question of calculation with him, whether he should assert his rights as a man and a patriot, or run the risk of being hanged as a rebel and a traitor. Our ancestors had watched for an opportunity to strike the blow which gave them freedom; and he repeated, that if he were a Catholic, he should follow their example. By denying to the Catholics of Ireland their just claims, which were refused to them, not from any fear of their religious opinions, but from a fear lest they should obtain a portion of those offices of trust and emolument which were monopolized by the dominant faction in that country, the people of England were incurring the risk of losing that fine island altogether. They had been told by the Attorney-general for Ireland, that if further concessions were not made to the Catholics, he dreaded the effects of foreign aggression upon that country. Why, then, should they hesitate to make the Catholics their friends, and thereby place Ireland out of the reach of danger? Irishmen were treated as men in every country but Ireland; but there, he was sorry to say it, they were treated as brutes. Why should parliament continue such a system, when, by getting rid of it, it would not only attach a gallant nation to its side, but would rid England of an annual expense of four millions which was now incurred to keep it in subjection? The hon. member then proceeded to point out the difference between the Orange and the Catholic Associations, and to contend that if the government had wished to act fairly between them, it would have dismissed from its service all those who were members of Orange lodges. Those lodges were decidedly illegal; whereas, the Catholic Association was proved to be legal, by the necessity of having this bill to put it down. Considering the insulting manner in which the former petitions of the Catholics had been dismissed, he thought they had adopted a constitutional mode of obtaining a redress of grievances in forming such an Association. So far from objecting to it, he considered it a laudable Association, in perfect consistence with the principles and spirit of the constitution. Believing, therefore, that this Association had been most unjustly vilified, and seeing that the bill, which was intended to put it down, was shamefully partial in its operation, he would move, "That it be an instruction to the committee to receive a clause, providing that any person now holding, or who might hereafter hold, any office under the Crown in Ireland, should take an oath that he does not now belong, and that he

will not hereafter belong, to any Association declared to be illegal by this act."

Mr. *Goulburn* resisted the motion. The principle of it was, to call upon every officer to take an oath, not merely that he was not guilty of a particular offence, but that he would not at any future time be guilty of it. If this were a fit principle to proceed upon, why did the hon. member call for such a declaration with regard to a minor offence, punishable only by fine and imprisonment, and neglect it with regard to greater offences, for which severer penalties were inflicted? Was it just to call upon an individual to take an oath, when, by refusing to take it, he gave indirect evidence that he was a member of a society denounced as illegal? He knew of no case in which such a test had ever been required from public officers; and he did not see any reason why it should be demanded from them in the present case. The object of the motion would not be answered, even by the success of such a clause as he had proposed. If any Orangeman was at present in the employment of the Irish government, it was because the constitution of those lodges had been so completely altered as not to transgress the existing laws. Should any servant of the government be discovered to be a member of an illegal Orange lodge, he would not only be dismissed from his situation, but handed over to the law, to suffer the punishment which it affixed to the offence. For these reasons, he should oppose the motion.

Mr. *G. Lamb* observed, that no man was bound to take office against his will; and argued, that as every man had to take some oaths before he entered upon office, he saw no reason why the test recommended by his hon. friend should not be added to those already in existence. He defended the Association from the attacks which had been made upon it, and said that he could not find any thing in the language used by its members half so violent as that which had been used regarding it by several members of that House. If they wished to give a triumph to neither of the two parties into which Ireland was divided, and to hold the balance impartially between them, they would not send this obnoxious bill to that country without adding to it the clause recommended by his hon. friend.

Mr. *Hutchinson* said, that in the hope of either shaming or terrifying ministers out of this bill, he should again express his execration of this abominable measure, which was founded in injustice, and was in direct opposition to the principles and practice of the constitution. It was calculated to rouse every honest man in Ireland to acts, if not of outrage, at least of active exertion to put down the men, who in a time of general peace and prosperity, had brought in a bill which was calculated to spread rebellion and war through that unfortunate country. Majorities of that House might indeed carry this odious bill, but they had all, unfortunately, heard of majorities packed and corrupted for the most mischievous of purposes. They had been, in this country, the means of imposing taxes upon the people to the amount of millions, and had thus enlarged the debt of the country to an extent irredeemable, during the largest period allotted to human existence. At one period of her history, they had brought England to the very brink of ruin. Similar majorities had goaded Ireland to rebellion; and to a similar catastrophe ministers seemed to be trying to drive her again. He had seen some short and transient periods of prosperity in Ireland; but he had witnessed there much longer and more troubled periods, for the most part, of affliction, misery, and oppression. He had had woful experience of the effects of those majorities, by which government was sometimes content shamelessly to carry through the most fatal and obnoxious bills. It was, therefore, as an Irish gentleman informed, by a long residence in that country, of what she had endured, and might yet endure, through a perseverance in the employment of similar means, that he stood there to warn the House, that the persisting in oppression and injustice, had before driven Ireland to madness and to revolt. If they were the last words he should utter, he would solemnly declare that the rebellion in Ireland of the year 1798 was justified by the circumstances under which it arose: he desired to protest, that every creature who on that occasion had suffered as a rebel was a martyr: and that every man at that time in power, who had lent his countenance to their destruction was a traitor to his country. While he said this, he begged it to be understood, that he had himself always resisted the armed rebels; but he did not less oppose and deprecate the persecuting spirit of the government of that day. He might refer to the authority of the gallant member for

Southwark (sir R. Wilson) to corroborate him in saying, that they who were termed rebels were not the worst subjects of that day, nor the most to be denounced; but that rather they were such, whose oppressive measures had driven them to be rebels. He would tell the House who the person was who thus addressed them, that they might not suppose he had not been a supporter of government. When the French landed in Ireland, he had left Dublin and travelled night and day to meet them. He had the honour to deliver up to lord Cornwallis the French general second in command, who had been taken on the field of battle. The French general, in conversation afterwards had asked him how it was that the Irish opposed them, when he expected they would have received the French with open arms? He replied, that though the people desired a change, they would take no alteration which came recommended by French bayonets. He would tell the ministers they were risking the safety of the empire by the present bill. It was a measure likely to create rebellion in that country, where, according to the speech from the throne, prosperity was at last beginning to prevail. They were going to put down an Association which had done no harm, but a great deal of good: and this, too, to gratify, he would not say the Orange faction, but the rump of the Orange faction. This system might, possibly, be pursued a little longer; but the day of retribution must come at last. Hon. gentlemen might think they could pass this bill safely; but he conjured them to pause in their course. From information which he was almost hourly receiving from Ireland, he knew that the agitation of this measure had excited the most intense sensation; for never had there existed in Ireland a body which so entirely possessed the confidence and affection of the Catholic millions, as the Catholic Association. And these sentiments were fully justified by the talents of his learned friend Mr. O'Connell, and other members of the deputation.

Mr. *Plunkett* said, he as much approved as the hon. member for Aberdeen could do, of the broad principle that no person, being a member of any illegal society, should be admitted into office; but the hon. member must allow him to say, that the effect of his proposed instruction was quite irreconcileable to law or common sense. What was it that he proposed? First, that any person on entering upon an office, should swear, that he was, or was not, guilty; and secondly, that he would not thereafter belong to any society that should be an illegal one. Until the motion of the hon. member, he had never heard that it entered into the range of human legislation to compel a person to swear to a point of law. And yet this would be the effect of the oath proposed. The bill properly provided, that though the acts of only a portion of its members might render a society illegal, and therefore subject those members to its penal consequences, yet they who should be members, in ignorance of its illegal character, and not participating in its illegal acts, should be exempted from the penalties. But, by the hon. member's amendment, the party would be compelled to swear whether the society was legal or not, in order to determine his eligibility or ineligibility to office. He would thus be required to swear to a point of law, of which he could scarcely be supposed to be cognizant; that point of law going to a point of fact, of which, also, he could not be cognizant. He was disposed much rather to rely on the honour and justice of his majesty's government, that no one connected with it would venture to appoint any body to an office who was likely to be a member of a society declared to be illegal, than consent to the amendment.

Mr. *Denman* was, in principle, opposed to the amendment, because it was adding another test, and he was opposed to all tests. But, if the present bill passed, he should then vote for the proposition of his hon. friend, as a means of showing the people that this measure was to be an impartial one. The bill ought to be framed so as to apply equally to Orangemen as well as others. The right hon. and learned gentleman argued, that its enactments would not affect a person acting in ignorance; and had asked how his hon. friend could propose to make a man swear to a point of law and a point of fact that could not be within his knowledge? Why, in the first place, the very objection that he (Mr. D.) most strongly felt to the bill was, that it did affect those who might be connected, even through ignorance, with an association that was illegal. [Here the learned gentleman read the clause of the bill relating to the "Punishment of persons becoming members of any unlawful society."] Here was

a clause, by which a member of societies, hitherto quite lawful, was made liable to a punishment which was left in blank. [Here Mr. Denman was reminded, by some friend near him, of the proviso in the bill, "for members of Societies, not originally unlawful, becoming so under this Act."] This was, certainly, to some extent, a qualification. The reason for calling on a person before he took office, which was a voluntary act, to take the oath proposed by his hon. friend seemed to be this—to discover whether or no he belonged to any society of the kind alluded to—a knowledge which, without some such means of ascertaining the fact, there seemed to be no means of coming at. But, the object of the bill, should rather be directed to the secret associations than to the open ones. The societies which were leagued together by secret oaths, such as the Orange Society, were those that should be proceeded against. On this ground alone it might be possible to support the clauses he had just read; but on the same ground, he would vote for the instruction proposed.

Mr. Secretary *Peel* thought, that the hon. and learned gentleman would do well in future to read bills before he discussed them. Surely it was not too much to ask of a learned judge, like the hon. and learned member, at least to hear the defence of a prisoner before he pronounced his condemnation. It seemed to be insinuated, that government were desirous of passing this bill without sufficiently discussing it. Now, after it had, during five nights, been largely discussed, and every hon. gentleman who had risen to oppose the bill, had been followed by some hon. member who was friendly to it, the course that had been pursued did not very much indicate a desire to evade discussion. The fertility of the proposition of the hon. member for Aberdeen had been already so well exposed that it was unnecessary for him to offer any further observations on the subject. If the bill in question should be passed into a law, the laws that would affect societies in Ireland would be these—that there should be permitted in Ireland no societies bound together by secret and illegal oaths; that those who might thereafter enter into those mysterious engagements should become liable to certain punishments. To the penalties of this bill? No; but to transportation. Now, the hon. gentleman's proposition went to make a man swear, on entering office, that he did not belong to any secret society. Why, if he could not swear this, he would have already exposed himself to the penalty of the other law, making connexion with a secret society so punishable. Suppose, then, he should swear that he was not so connected; could any great reliance be placed upon that person's oath, seeing what must ensue if he declined to swear? If, belonging to a secret society, he should conceal that fact, he would commit perjury, and be liable to all the penalties of that heinous offence; but, if he should refuse to swear, and admit his connexion with any illegal association, then he would have offended against the law in question, and might be transported. But then it was said—suppose he should prove to belong to an Orange Lodge? Why, upon that point, he could find no difficulty in saying, that it would be the duty of government to remove from office any body who should be in such a situation. [cheers]. The proposition of the hon. member he opposed upon principle; because he opposed tests, generally, on principle; but he thought that the hon. gentleman must see that his own motion would not effect the object he had in view; and, therefore, he did hope, that he would not press the matter to a division.

Lord *Althorp* said, he thought that measures of this kind had always a tendency to produce bloodshed and confusion; but he did trust, that the good sense of the Catholics would prevent any fatal consequences. It afforded him great pleasure to hear from the right hon. Secretary, that no Orangemen would be permitted to hold office. This single declaration from the right hon. gentleman would do more to put down all illegal societies in Ireland than this bill or any other measure. On this account, he was glad that his hon. friend had submitted his proposition to the House.

Sir *R. Wilson*, alluding to the absolute necessity of conceding to the Catholics their claims, begged to ask the right hon. gentleman opposite whether he was prepared to resist Catholic emancipation until it should be wrung from him by the Irish people? Was he prepared for all the miseries attendant on a separation of Ireland from the empire; for all the miseries of a civil war; and for the imposition of new taxes to support it? These were questions which the right hon. gentleman ought seriously to ask himself.

Meanwhile, parliament should determine on measures of relief; not such as would be pleasing to the Orangemen in particular, nor yet in particular to the Catholics: but such as would be most beneficial to the people of Ireland at large.

The amendment was negatived without a division, and the House resolved itself into a committee, in which the blanks of the bill were filled up.

HOUSE OF COMMONS.

Wednesday, February 23.

VOTES OF MEMBERS ON QUESTIONS IN WHICH THEY ARE PERSONALLY INTERESTED.] Mr. Byng having presented a petition against the Isle of Dogs Railway,

Mr. *Grenfell* lamented the absence of the hon. member for Montrose. He wished it to be directly understood whether or not the principle which was laid down last night respecting hon. members interested in private bills was to be uniformly acted upon. What he was anxious to know was, whether it was his hon. friend's intention to bring forward a specific proposition to the effect, that persons so interested, directly or indirectly, should not be allowed to vote; if not, he would take the earliest opportunity of doing so himself. He had this object in view—an object indispensable to the honour and consistency of the House—namely, not only that the votes of members having a direct interest in the bills under consideration, should be disallowed; but that the votes should also be disallowed of those members who had a direct interest in any undertaking that might be prejudiced by such bills.

Mr. *Brougham* said, that the mode of voting on private bills was so scandalous in its nature, that he had made it a rule never to vote upon a private bill, nor had he ever voted, except upon one, which was not in his estimation, a private bill, but a bill of considerable public interest, the Highgate chapel bill. That was in itself a corrupt job of an attorney, not out of zeal for the welfare of the church, or any excess of piety, but out of a corrupt love of jobbing, for his own bill of charges. But the House would not go half far enough if it stopped at the exclusion of those who had an interest either in supporting or opposing the bill. Why should a member be prevented from giving his own vote, and be left at liberty to obtain as many votes as he could, by the solicitation of himself or his agent, his wife or his sister? Persons went about with letters from members, entreating the votes and interests of other members to whom such letters were addressed; meaning thereby that they were to come down, not only to give their own corrupt votes, but to endeavour to corrupt as many others as they could prevail with for the same object. It was that view of the scandalous jobbing in votes for private bills which had caused him to take the resolution which he had mentioned. He had before stood in this breach, and had been checked by the bashful consciousness of the House, from relating an anecdote concerning the manner of voting on those occasions, as if hon. gentlemen were afraid that he was tearing away, with too rude a hand, the veil of mystery which hung before that branch of parliamentary proceeding. But now, to show the notoriety of those practices, which were equally shameful to the character of the House, and a just complaint among the people, he would relate that very anecdote which the House, from a consciousness of its own virtue, had refused to let him mention before. It was a fact which took place in the progress of that Highgate chapel job. He was counsel for the bill. The proceedings in the committee resembled more an investigation of a committee under the Grenville act. The committee sat from ten till the meeting of the House daily—examinations were met by cross-examinations—there were objections taken which were again replied to—all forms of argument were resorted to in turn. He had never seen business more regularly, zealously, or effectually performed. His hon. and learned friend Warren was in favour of the bill, which was about to be rejected, not by jobbing in votes—the opponents of the bill were determined not to solicit one, but—by main strength—by the absolute goodness of the cause. They had sixteen votes out of twenty gentlemen who had uniformly attended the committee. At that instant, when victory was sure, as they all thought, the other committee-rooms were ransacked and swept; down came twenty new members, who had never heard one word of the proceedings, and overwhelmed the sixteen who had prepared their minds, by tedious examination, to reject the bill. The good sense of the House fortunately prevailed at last, and the bill was rejected.

He wished to say a word or two more on this subject. It was a well-known principle of our constitution, that persons on a jury should not determine on the rights of private property, without fully examining the claims of the parties. The members of that House, however, did so without hesitation. They allowed themselves to be influenced, not by justice, but by favour and affection. The very men who would shudder at the notion of so conducting themselves on a jury, would, in a committee-room of that House, decide ignorantly, shamelessly, and without compunction. To him it appeared, that that was a much greater evil than allowing a member who had an interest in a bill to vote upon it in the House. Nor, indeed, was he quite sure that the latter proposition was strictly legal. The members of the House of Commons represented the interests of all their constitueents, and their own too; and he was not prepared to say, that they had not a right to vote upon every question brought before the House. But, on the other point, there could be no doubt whatever. He had no objection to any hon. member's voting in a committee on a private bill; but then it ought to be in consequence of his having made up his mind upon the evidence and argument; it ought to be because he thought the bill should or should not pass, but not because A or B requested him to vote so or so. But, if hon. members who were interested in private measures were to be disqualified from voting upon them, why should the disqualification stop there? Why should a lord of the Admiralty be permitted to vote on the motion of the hon. member for Newcastle, to reduce the number of the board? Why should borough owners be allowed to vote against parliamentary reform? Why should those who fatten on the public purse be allowed to vote against economy? Why should persons in place and office, be permitted to vote, year after year, against the motion of the hon. member for Wareham, for abolishing the salt duties, the abolition of which might certainly tend to prevent them from having "salt to their porridge?" He trusted, therefore, that those who were desirous to prevent interested individuals from voting on private bills, would have the virtue to go a step further, and endeavour to prevent interested individuals from voting on public measures.

Mr. *Baring* agreed with much that had fallen from his learned friend. Every man must be shocked at the manner in which private business was conducted in that House. It was unworthy of a civilized country. The success of a private bill depended, not on its merits, but on the interest by which it was supported or opposed. That was notorious. Canvassing was the mode resorted to by the friends and enemies of a private bill; and evidence and argument were overborne by activity and numbers. How would any gentleman who was about to serve on a jury, receive a request from a friend that he would favour him in any particular cause? Would he not resent it as a serious insult? Yet, in the much more important cases that were determined by committees of the House of Commons, solicitations of that nature were looked upon as mere matters of course. For his own part, he had never voted on a private bill until he had examined the question, and made himself well acquainted with it. This, however, was any thing but the general practice. "We are only doing what is done by others," was the apology with which hon. gentlemen tranquillised their consciences. So convinced was he of the partiality and injustice evinced by committees on private bills, that rather than leave private business in the state in which it was, he would consent to remove it out of the House. No other tribunal could be so decidedly objectionable. Perhaps the evil might be diminished by ballotting, as in the case of election committees; giving the committee so appointed the power of adding to their number members whose local knowledge might render their assistance advantageous. At all events, he was for limiting the right of voting in committees to those members who had heard the argument and the evidence. For, whatever levity might be exhibited by those hon. members who came down merely to vote in committees on private bills, he was sure they would be deterred from voting against the justice of the case, if they previously rendered themselves masters of its merits. With regard to the House itself, he certainly thought they had a right to expect that any hon. member who had a direct interest in a private bill before them should, as a man of honour, avoid voting upon it by a self-challenge. But, to go further, might be productive of much inconvenience.

Colonel *Davies* protested against the doctrine which had been advanced with respect to the right of voting. When

members received instructions from their constituents on any particular measure, were they to be deprived of the power of carrying those instructions into effect? He doubted the right of the House to disqualify any of their members in that manner. It was true, the House might have come to resolutions of that kind; but how frequently did they, as in the celebrated case of the Middlesex election, regret resolutions by which they in fact disfranchised a portion of the people? At any rate, the prohibition, if agreed to at all, should be complete. To prevent those who had a direct interest in a bill from voting for it, while those who had an indirect interest against a bill were allowed to vote against it, would be at once to stop all private business, and to paralyse the energies of the country.

Mr. *Calcraft* allowed, that where a member had a direct interest in a private bill, he ought to abstain from voting upon it; but, further than that, it appeared to him to be difficult to go. He did not well see how canvassing in the committees could be prevented. In every concern between man and man interest and influence must operate; and if hon. members were not fit to be trusted with the private, they must be still less fit to be trusted with the public and more important business of parliament. But really, notwithstanding all that had been said, he had seldom heard any complaint made of the way in which private bills passed through that House. For, let the committee be as jobbing as it might, the bill came back to the House, and might there be thrown out. Then again, it went to the other House of parliament. Surely, let the conduct of committees be as criminal as it had been declared to be, there were sufficient checks upon it. Besides, if any bill, when passed, was found to be impolitic or injurious, nothing was more easy than to propose its repeal: this was the course which he proposed on a former occasion, when he found a bill injurious in its operation. What did the objections amount to, but to this—that, while the whole of the great public business of the nation was to remain in the hands of the House of Commons, its members were to be declared unfit to manage its private and less important matters? If this was in reality the case, in God's name, let them go about their business, and leave it to the country to return more fit and proper representatives! He had often had occasion to find fault with the decisions of that House, but not upon the disposal of private bills. Besides, the temptation to corruption was not a tenth part so great upon private as upon public transactions. It would be idle, therefore, to remove the private business to another tribunal, while the great public questions were left to the management of those whose liability to corruption made that removal necessary.

Mr. *Bright* agreed that it would be wrong to allow business of this nature to be decided by any other tribunal. But he was not of opinion, that the private business of that House was conducted with perfect purity. That he must deny. Decisions were very often made by persons who knew nothing about the business on which they voted. This showed that the private business was not carried on in such a way as to give satisfaction to the country and the suitor. The hon. gentleman said, that if any injustice was done, parties might come to the House and have the obnoxious bill repealed. This was not altogether so certain; besides, they should not lose sight of the expense which it entailed upon the aggrieved parties. The hon. colonel had said, "What are we to do? we are sent here by our constituents, and are bound to vote in support of their interests." He agreed with the gallant officer, that being sent there, they were bound to do their duty; they were bound to attend to the interests of their constituents in preference to their own; and when a member found that the being a shareholder would prevent his doing his duty, he ought to give up his shares and attend to the interests of those constituents. This was the course which he would advise; for he was decidedly of opinion, that no member who had a direct interest in a private bill ought to vote upon it. There were, in his view of the subject, many ways of checking the evil; for instance, the vote by ballot, and also by reducing the number of the committee. He hoped the hon. member for Aberdeen would introduce some measure upon the subject.

Mr. *Hume* said, that he intended on Friday to propose an inquiry as to how far the custom of parliament went to disqualify those directly interested from voting on private bills. For himself, he had no hesitation in stating, that the practice of the House would be found such as to preclude the necessity of any new enactment on the subject. There was, how-

ever, another point of great importance, and that was, how far those interested in opposing such bills were entitled to vote against them.

Sir *M. W. Ridley* said, that the practice alluded to, however theoretically bad, was found to be productive of little practical injury. There could be little difficulty in coming to a decision upon the first point; but there would be great difficulty in preventing those who had an indirect interest either way from voting on such occasions. Last year a committee recommended a vote by ballot, and various other remedies; but he thought the best way would be, to leave it to the honourable feelings of the House; for no member could hesitate what course to adopt, when he found his interests opposed to his honour. He had received letters, some of which he had then in his pocket, upon the subject of private bills, which, if published, would, if he might so express himself, blow those bills out of the House; and it would depend upon circumstances, whether he should or should not detail some of them to the House. It was to him astonishing, that agents should so far forget the feelings of men as to lend themselves to such applications.

The petition was laid on the table.

HOUSE OF LORDS.

Thursday, February 24.

SPRING GUNS.] Lord *Suffield* rose, pursuant to the notice he had given, to move the first reading of a bill to declare it unlawful for persons to set Spring-guns, or any other instruments which were dangerous to life, or liable to inflict bodily harm. He understood the forms of their lordships' House did not usually permit of discussion on the first reading of a measure, as it provoked objections which were generally reserved for the second reading of a bill. He hoped the same courtesy would be extended to him, and therefore he should only state the object of the bill, and his reasons shortly for offering it to their lordships. The object of the bill had been, however, stated already in its title, and he did not know that he could add any thing on that subject. The reasons which had operated with him for bringing in the measure, were principally those reports which he had lately read in the newspapers, of various accidents resulting from the use of spring-guns, to innocent persons. It was not poachers who suffered from these weapons, but servants, and gentlemen, and children, who happened to stray in woods where they were set. Poachers knew how to avoid them. He had heard that royal blood was very near being shed not long ago by one of these spring-guns. They were liable to inflict death on people; and he was sure no one of their lordships would sanction the principle, that individuals should take the law into their own hands, and inflict capital punishment for an offence that the law only punished with a much lighter penalty. It could not be allowed that individuals, for the protection of their property, should thus go so far beyond the law. It was in this case rendered more odious, by the sneaking and assassin-like manner in which the injury was done. He did not mean to say that any gentleman, or particularly any noble lord were assassins; and he hoped he should not be so understood, as he was quite convinced no one of their lordships ever wished to inflict death on any man for stealing a pheasant. As to the legality of the practice, he would undertake to prove it illegal; not, indeed, by reference to any particular law, for then the bill he had the honour to propose to their lordships would be unnecessary, but by arguments drawn from analogy. There were, however, doubts existing on the subject, and the bill he offered to their lordships would clear them up. He would not then trouble their lordships with any further observations, but move that the bill be read a first time.

Earl *Grosvenor* hoped the bill would receive the attention of their lordships; as he was satisfied that it was likely to do a great deal of good.

The bill was read a first time.

PETITION OF THE ROMAN CATHOLICS OF IRELAND.] The Earl of *Donoughmore* rose, pursuant to notice, to present to their lordships the petition which had been confided to him by his Catholic brethren of Ireland, and the value of whose confidence he fully appreciated. In rising to present their petition, he could not state its object better than in their own language. It was calmly and firmly to ask the restitution of their rights from the legislature. It was impossible for him then to enter into the merits of the subject of petition, or discuss the question to which it related, either directly or indirectly, as he meant to call on their

lordships on some early day to take the petition into consideration, when he should have a fit opportunity to go at length into its merits. He would only then state, in a few words, that the petition did not relate to any ordinary or trifling subject, and that it contained the signatures of 100,000 of his majesty's most faithful subjects. They had proved themselves so in times past, and would be again ready to do so, when called on in the hour of peril. The petition expressed the sentiments not only of those who signed it, but of all the Catholic inhabitants of Ireland, amounting to seven millions. Never, perhaps, was a petition presented, more numerously signed, or more deserving their lordships' attention. Never, he believed, were the sentiments expressed by one part of the people more completely in accordance with the sentiments of the whole body of the people, than on the present occasion. From the peer to the peasant, all descriptions of persons, all sects of religion, were unanimously in favour of the petitioners. Not only were the people unanimous, but they brought it forward with all the energy of freemen demanding their rights. They had met together, and numbered amongst them some of the ablest men of the country, who advocated their cause with energy, but with calmness and discretion. The petition was signed by the whole bulk of the respectable part of the Irish population. The first person whose signature was attached to it, was lord viscount Gormanstown; who, their lordships might ask, was lord Gormanstown? He was a descendant of a lord deputy, the representative of his majesty in Ireland, in better times than the present. It was impossible for him, when speaking upon this subject, not to say, that he had the honour, on leaving Ireland, to receive the proxy of his majesty's representative in Ireland in favour of Catholic emancipation. The descendant of one lord deputy had signed the petition, and the present representative of his majesty had done him (the earl of D.) the honour to entrust him with his proxy, to represent his feelings on the subject of the Catholics in that House. He would say of the marquis of Wellesley, that he believed Ireland had never had a more able or a more honest governor. During his residence in Ireland, he had effected a great deal of good. He had carried a reform into the magistracy, and had thereby conferred a great benefit on Ireland. There was one act of that noble person more particularly deserving their lordships' notice. In the court of Exchequer in Ireland there was an office of great importance, that of remembrancer. Lord Wellesley had conferred it on Mr. Blake, a Catholic. This appointment was a great benefit to Ireland; for this gentleman had long been an ornament of the bar. Whatever might be the opinion of the noble marquis on the measure now in progress through the other House, he could not help saying, that his government had brought Ireland to a state of prosperity it had never known before. He said this in justice to the lord-lieutenant; but he must add, that he could not have so far succeeded, had not his efforts been ably seconded by this Catholic Association, which had done much, under the calumniated Mr. O'Connell, to calm the people. He would only move, that the petition be read, and would not now fix any day for taking it into consideration.

PETITION OF PROTESTANTS OF DUBLIN IN FAVOUR OF CATHOLIC EMANCIPATION.] The Marquis of *Lansdown* said, he had to submit to their lordships a petition in favour of the same object, from the Protestant land-owners, merchants, and bankers of Dublin and its neighbourhood. Though not so numerously signed as the petition which had been presented by his noble friend, it was entitled to the most serious consideration of the House. It expressed the opinion of the most respectable and wealthy portion of the Protestant inhabitants of that part of the country from which the petition came, on the claims of their Catholic fellow-subjects. The first name was that of the duke of Leinster; the next was the earl of Meath, the two greatest landed proprietors in that part of Ireland. These names were followed by the signatures of the marquisses of Downshire and Westmeath, the earls of Limerick and Charlemont, lords Glengal, Riversdale, Forbes, and many other noble names. After these came the names of wealthy capitalists and opulent merchants. There were to be seen among the bankers and merchants, the name of Latouche, and the names of the descendants of men who had fled from religious persecution in another country, and had found an asylum in this. Their ancestors, who were the victims of an act of great injustice committed by an ambitious tyrant, abandoned

France in consequence of the revocation of the edict of Nantes. They suffered persecution as Protestants under a Catholic government; for what religion did there exist which had not, at some period or other, been degraded and polluted, by the fanatical zeal of those who thought they served it by acts of cruelty and injustice? As fanatical zeal led to the formation of erroneous principles, so the exercise of benevolent feelings, through three successive generations, had taught these descendants of persecuted Protestants to regard the Roman Catholics among whom they resided, not as enemies whom they ought to dread, but as brethren, as fellow subjects of the same sovereign, discharging the same duties, and with whom they would be proud to live under the same laws and in the enjoyment of equal rights. Their lordships could not fail to recollect, that the names of these men were names essentially connected with the Protestant religion. They would besides find attached to this petition, the names of some of the principal bankers, and of various capitalists materially connected with the great interests of Ireland, and engaged in speculations just beginning to be unfolded for the benefit of that country. Of the men thus engaged in great and useful enterprises, many had come forward to add their testimony in favour of the justice and the policy of granting the claims of their Catholic brethren. And, did their lordships believe, that they who had set their names to the present petition had subscribed it without well considering what would be the consequences of granting the prayer of the petition? For himself, he felt flattered by the confidence that had placed it in his hands. He had always felt that this great question was not a Catholic, or a Protestant, but an Irish question; that it was not a question, whether or not several millions of Catholics should be admitted to an equal share of the benefits of the constitution, but how long that practical community, in which here, as in every other country all over the globe, Catholics as well as Protestants should enjoy a participation of civil rights, was to be deferred; for he felt that this measure, to use the words of a noble friend of his, would inevitably pass. But he hoped it would pass soon, and that when it did pass, it might pass with the assent and concurrence of a large portion of the Protestants.

Ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, February 24.

Unlawful Societies in Ireland Bill—Petitions for and against.] Mr. *Hutchinson* rose to present the petition of the Roman Catholics of Cork, against the bill for the suppression of the Catholic Association. The petitioners denied that the contribution, known by the name of the Catholic rent, was in any way extorted from the people. It was a voluntary gift, contributed for the moral and religious education of their poor, and in order to obtain redress for the many grievances under which the calumniated peasantry of Ireland laboured. The petitioners hoped parliament would at least allow the Catholic Association to be heard at the bar. This petition came from the largest county in Ireland, and had been agreed to at an aggregate meeting held in Cork, by a body of men as numerous and as respectable as any that had ever assembled. The petitioners felt indignant at the unwarrantable attacks which had been made upon the Catholic Association. That Association had already achieved much good both to Protestants and Catholics, and, with the aid of the priesthood, was the means by which, whilst the people were guarded against oppression on the one hand, they would be kept from expressions of irritation and discontent on the other. A measure like this must be obnoxious at any time; but above all at a period like the present, when peace and tranquillity existed in Ireland. The opponents of the Association argued the question, as if that body and the Roman Catholics generally, were opposed to the Protestants. This was a cruel misrepresentation. It was true that they were opposed to the Orangemen, but they were few in number compared to the thousands who formed the great body of the Protestants of Ireland, and who were as earnest in their prayers for Catholic emancipation as the most zealous Catholic could be.

Mr. *Abercromby* presented a petition from the parish of St. Andrew, Dublin, against the bill; and adverted to a petition from certain Presbyterians of Tyrone, complaining that the Association were the authors of the rapine, and murders and bloodshed in Ireland. Now, the petition

from St. Andrew's, as well as the Speech from the throne at the opening of the session, directly contradicted this assertion, as Ireland had never been so tranquil as at this moment.

Sir *J. Newport* adverted to a document in the possession of the House of Lords, stating, on the authority of the viceroy of Ireland, that the peace of that country was to be attributed to the exertions of the Catholic Association. He stated that such a document existed, on the authority of the marquis of Lansdown. He should move to-morrow that it be laid before the House.

Mr. *Peel* said, that under any circumstances it would be laid before the committee on the state of Ireland.

Mr. *Denman* presented a petition in favour of the Association, asserting that the Association had been productive of the present tranquillity in Ireland. The learned member expressed his conviction that the Association, as far as the administration of the law was concerned, had done much good and no injury.

Sir *T. Lethbridge* was not so much surprised at the statements of petitions, as that hon. members should coincide with them. In his opinion, both reckoned without their host, when they said that the tranquillity of Ireland was owing to the Association. Who could say to what extent the Association might go, if ministers, in mercy to the whole Catholic body, did not put a stop to its proceedings? The Association was self-elected, and uncontrolled. Those who said it had done no injury, were not, in his opinion, true friends of the Catholics.

Mr. *Hume* said, that, notwithstanding all that had been said by the right hon. Secretary, and which had had the effect of having the walls partially placarded, the more the question of emancipation was understood by the people of England, the more was it likely to succeed. An attempt had been made by the speech of the right hon. Secretary, to raise a cry against the Roman Catholics; but fortunately that attempt had not succeeded.

Mr. *Peel* denied that he had sounded an alarm on the subject of the emancipation of the Catholics, and that through his interference the walls of the metropolis had been placarded. He had never encouraged the presenting a single petition against the claims of the Catholics in the whole course of his life; and never wished to see a petition, on that or any other subject presented to the House, unless it was the spontaneous act of the persons by whom it was signed.

Ordered to lie on the table.

NORFOLK ASSIZES.] Colonel *Wodehouse* rose to submit to the House a motion respecting the removal of the Spring Assizes for Norfolk from Thetford to the city of Norwich. The grounds upon which this motion was made were already before the House in a petition which had been presented from the county. The main grievance complained of was, that the petitioners were under the necessity of carrying the prisoners a distance of 30 miles from the gaol to the place at which they were to be tried, and if they happened to be convicted, the same distance back again to the gaol. This evil had existed for a length of time, and representations of it had frequently been made, but without procuring any alteration. There was, however, no time at which the desired alteration could be more properly made than the present. A large and commodious gaol had lately been erected in Norwich, at an expense of 50,000*l.* It was arranged in such a manner as to carry the provisions of the Gaol-act into complete operation, and to combine all the advantages which were supposed to result from the classification and inspection of prisoners. Upon former occasions it had been objected to the removal of the assizes, that to do so would be to interfere with a branch of the prerogative. He denied, however, that the prerogative was concerned in the measure he proposed. The places at which the assizes for counties were held, had been in all instances fixed by acts of parliament. That by which Thetford was appointed for Norfolk, was passed six centuries ago. There was at that period a reason for such an arrangement which did not now exist. One assize was then held for the two counties of Norfolk and Suffolk; and Thetford, being upon the extreme border of the latter, was well situated for the purpose. Applications had been made to the chancellor, and to the judges, who had declined to change the assizes. It was, in consequence, imputed to them, that they were induced by merely selfish motives; but he could not bring himself to believe, that persons holding the high offices which they were intrusted with, could prefer their own convenience to that of the public. The hon. member concluded by moving, "that

the petition of certain magistrates and others of the county of Norfolk, praying that the Spring Assizes should be removed from Thetford to Norwich, be referred to a select committee; and that the counter-petition of the mayor and burgesses of Thetford be referred to the same committee."

Sir *J. Sebright* supported the motion. He bore testimony to the insufficient state of the gaol at Thetford, and thought that the circumstance of the prisoners being carried a distance of 30 miles to take their trial, was in itself enough to induce the House to grant the prayer of the petition. The due administration of justice was immediately concerned in this affair. The question, in fact, was, the borough of Thetford against the county of Norfolk; or borough interests against the principles of morality and public convenience.

Mr. *N. R. Colborne* opposed the motion. The same application had been, he said, repeatedly made, and had always failed. The assizes for Norfolk had been held at Thetford for more than six centuries. Unless a very strong case could be made out, no alteration should be attempted. He thought there could not be a more direct attack upon the prerogative, than was meditated by this measure. It would be no less so, than it would be to interfere with the appointment of lord-lieutenants or the sheriffs of counties. He should content himself with having called the attention of the Secretary of state for the Home Department to this point, and here leave it. The petition which he had presented, prayed that the House would not permit any interference in the ancient practice which had prevailed. That petition was signed by 48 magistrates of the county, eight of whom had served the office of high sheriff; snd it was impossible to collect names entitled to more weight on such a topic.

Mr. *F. Buxton* said, that as the petition in favour of the proposed removal of the assizes proceeded from the lord-lieutenant, the sheriffs, and a large body of the magistracy, it might reasonably be supposed to convey the sentiments of those who were best qualified to pronounce on the expediency of the proposed measure. The important question for the House to consider was, however, whether the administration of justice was impeded by the assizes being held at Thetford? The general convenience of the county would be, as it ought to be, more considered than that of the judges; and the interests of justice more than those of the borough of Thetford. The fact of the prisoners being carried in an open waggon, a distance of 30 miles, thus making them a spectacle for the whole county, was in itself sufficient to induce the House to put a stop to such a practice. But, the evil did not end here. When the prisoners arrived at Thetford, they were placed in a prison, which, if he were to describe, would shock and offend the House. If a prisoner had to bring up witnesses from the remote parts of the county, they would have to travel 50 miles, the difficulty of doing which, it might be believed, not unfrequently prevented their attempting the journey. If the man was convicted, he was then conveyed back again, exposed to the curiosity and unfeeling remarks of the people of the country through which he might have to pass. He spoke not from hearsay, but of what he had actually seen. Let the House suppose, that Fauntleroy had been placed in this situation, would it not have been highly improper that he should have been so exposed? [An hon. member said, "It would have served him right."] He (Mr. B.) denied that it would have served him right: the law had fixed for his, and for every other criminal's offence, a certain punishment, beyond which it was not just to extend a prisoner's sufferings. For these reasons, and not for any private interest he had in the question, he should support the motion.

Mr. *Baring* objected to the motion, because if it were adopted in this instance, it must also be applied to a great many other counties.

Mr. Secretary *Peel* objected to the motion, on the ground, that the House had no proper jurisdiction in the case. The question had been referred to the chancellor and the judges, who had decided against it. He was of opinion that the consideration of questions such as the present, with which local interests were mixed up, could not be left in better hands.

Dr. *Lushington* complained, that the right hon. Secretary had not stated the grounds upon which the decision of the judges was founded. It appeared to him, that there was no just reason for holding the assizes at Thetford. The present plan was calculated to promote the interests of the few to the disadvantage of the many. The assizes were originally held at Thet-

ford, because it was the most convenient place; but now, when that reason no longer existed, why should they not be removed? The most serious inconvenience existed from the practice of trying prisoners fifty miles from the points at which the offences were committed.

Mr. *Huskisson* said, that the House of Commons was not the place for appeals of this description. The law had vested the necessary power in the hands of the lord chancellor and the judges. As for the distance of Thetford, as an assize town, almost every county in England stood in the same situation. Prisoners were brought much further to York, and to Lancaster, than they could be from any part of the county of Norfolk to Thetford.

Mr. *W. Smith* said, that the only argument which had been urged against the measure was, that the same inconveniences existed in other parts of the kingdom. Now this was, in his opinion, one of the strongest reasons for inquiring into the subject.

The House divided: Ayes 21. Noes 72.

EXPORT OF TOOLS AND MACHINERY.] Mr. *Hume* moved for the re-appointment of the select committee, to examine the laws respecting the Export of Tools and Machinery. The committee which sat last year had recommended the repeal of the Combination laws, and the abolition of the laws restricting artisans from going abroad; and they further recommended the appointment of the committee for which he was now moving. This was a question which has hitherto been involved in great obscurity: various prejudices had existed on the subject, but those prejudices were gradually disappearing. From the evidence of the Custom-house officers, it was proved, that it was most difficult to distinguish between what was prohibited and what was allowed to be exported. During the last year much prohibited machinery had been exported. In France, the duty imposed upon English machinery allowed to be exported was 35 per cent, whereas upon making oath that the article had been smuggled, there was no difficulty in having it admitted. The pretence for preventing many of those articles from being exported was, that they required the utmost nicety in the manufacture; although it was well known that, in a great many instances, they were executed by mere boys, who were learning their trade. Many of the prohibitions were perfectly useless; such, for instance, as the coining machine. In the machinery used for the manufacture of cloth there was no prohibition, which principally extended to the cotton manufactories. He trusted that in the committee, such satisfactory evidence would be adduced, as would satisfy the most scrupulous and doubtful; for however anxious he was that the measure should pass, he was by no means desirous to pass it in opposition to existing prejudices, if they were general. There appeared to him no reason whatever for preventing the export of machinery, when we permitted the free transit of artisans, who could in foreign countries do the same workmanship as at home.

Mr. *Huskisson* said, he should give his concurrence to the motion, first, because he thought that any laws which could not be executed ought not to continue in force, although it might be a question, whether such laws should be wholly abrogated, or only amended; and, secondly, because he quite agreed, that it would be improper to press any legislative measure, in opposition to the sense and feelings of those whose interests might be affected. At the same time, he was bound to say, that those parties greatly overstated the consequences which, in his judgment, were likely to ensue. He had taken upon himself to exercise a discretion which, although perhaps not strictly legal, he hoped the House would not consider criminal, in allowing the export of some articles of machinery, such as the Hydraulic presses, and others, against the prohibition of which all mankind agreed. At present, so great was the demand for machinery, in many branches, that, with all the hands that could be procured, the orders could not be executed for eighteen months to come. Upon these grounds, he thought the re-appointment of the committee would be a great advantage; and he requested the hon. member, who would naturally take a leading part in the proceedings of that committee, to turn his earnest attention to all those points in which parties felt that their interests would be principally affected.

The motion was agreed to, and a committee appointed.

REMOVAL OF BRITISH-BORN SUBJECTS FROM INDIA.] Mr. *Hume* rose to submit the motion of which he had given

notice. The practice to which he had to advert was one which, though it could not be said to obstruct our trade with India, was calculated to limit the advantages which we might derive from our possession of that country. It was well known that the India Company, by itself, or its governors and presidents, had the power of banishing any person who interfered with the trade of that country. This power continued until the 53 Geo. III., by which the trade was, in a great measure, thrown open to all British subjects trading from England. The preamble of that act set forth the advantages which might be derived from an opening of the India trade (with the exception of that to China) to the enterprise of British capital and industry. If he understood this act rightly, it was intended to give a vent to the capital of Great Britain, but the practice which had since grown up, was, he thought, quite in opposition to the spirit of that act. It was understood, that all those who went to India were to be subject to the regulations of the company; but those regulations ought not to be in opposition to the spirit of the law. That law declared, in substance, that no man was to be removed by the mere freak or whim of any governor or president in India, and that such removal should only be ordered in cases where the presence of the particular individual was considered as likely to disturb the tranquillity of any part of that country. He would, in a short time, move for an account of the number of persons to whom permission to remain in the country had been refused; but at present he would confine himself to a complaint against the power which the company exercised under this law. He knew that nearly half of those at present trading and residing in India had not a regular licence to remain. They had been permitted to remain and to trade; but it mattered not, in his opinion, whether a man had a licence to remain or not; he ought, if he was settled there, to be allowed to remain; and it was an act of injustice, and against the spirit of the act, to send him away. Many persons who had been settled in India, and had a prosperous trade there, had had their prospects entirely ruined by being sent out of the country. This had been the case, in many instances, under the government of Mr. Adam and lord Amherst. They had sent several individuals out of the country, without trial or cause assigned. Many of those persons had been long settled in it, and their banishment was an act of great cruelty and injustice. He knew it was said, that the exercise of such a power was justified by the act of parliament. If it were so, such an act was against justice and policy. It was not necessary for his purpose, to detail acts of this kind, which had originated in personal feelings and motives. Leaving such cases out of consideration, he would assert, that the effects of the general practice was, that no person in any of the presidencies dare express his opinions, if those persons should be hostile to the government. Some governors were, he knew, more liberal in this respect than others. Lord Hastings, for instance, did not think it beneath him, to submit his conduct to the opinions of the European population in India; and though the proceedings of the noble lord, in this instance, was not quite pleasing to the government at home, yet it showed his liberal feeling on the subject. The conduct of governor Adam and of lord Amherst in this respect was quite different. They had sent away from India certain individuals, for the expression of opinions, through the medium of the press; and had enacted such restrictions on the press in general, that a great gloom was cast over the public mind in that country; and the fear of deportation was so prevalent, that no man dared to express his real sentiments upon what was passing. The consequence was, that the people of this country were, generally speaking, as ignorant of what was passing in India as of what was doing in Japan. A war was now raging in India, and yet the English public knew scarcely any thing about it. The effects of this system of restriction on the press were seen in the deportation of Mr. Buckingham from India, and in the atrocious conduct pursued towards Mr. Arnot. After such conduct, if the persons at present connected with the press, wished to remain in India, they must remain silent on all subjects the discussion of which might be displeasing to the government there. He had in his possession two notes sent to individuals connected with the press of India, *cautioning them* against any *notice* of the case of Mr. Buckingham, or of the conduct of the government in general. Such a system was contrary to the spirit of the regulations established when the courts of Calcutta were formed in 1775. It had been lately the fashion to say, that the British possessions in India hung by a thread.

This he denied. He thought that while we maintained an army of 250,000 men in that country, it was impossible that we should lose our possessions there. But, the best way to ensure the permanence of our power there, would be to allow public discussion and exposure of delinquencies through the medium of the press. If that were prevented, mischiefs of the most serious nature would ensue. It was the most impolitic course which could be pursued to prevent Englishmen from embarking their capital in that country, and of establishing there a regular system of colonization. He knew that that word would startle the prejudices of many persons, but still it was a system, which, in the result, would be found most advantageous to our interests in that country. He should now move, "That there be laid before this House, an account of the number of British-born or other European subjects, whose removal from the different presidencies of India has been at any time officially threatened, or actually carried into effect, by the civil authorities there, or by orders from the court of Directors; distinguishing whether such persons had been in the king's or company's service, or residing in India, with or without a licence; and stating the names of such persons so threatened or actually transported, the dates of such occurrences, and the alleged cause of such threatened or actual transportation; and stating also whether the same have been attended with personal arrest or imprisonment, and for what period and where; and whether preceded or followed by judicial proceedings of any description, in India or in England, since 1784."

Mr. *Wynn* said, it was not his intention to follow the hon. member through the extensive field over which he had travelled. The important question of the civilization of India was too extensive to be taken up collaterally. Whenever it was submitted to the House, he should not hesitate to declare his opinion. With respect to the present question, the House were bound to respect the laws as they now existed. By the act of 1793, it was declared a misdemeanor for any man to be in India without the licence of the East India Company. The act of 1813, which opened the trade of India very considerably, reserved the same power, and commanded the same prohibitions. As the law existed, a governor-general was bound, when he permitted a European subject not having a licence to settle in India, to enter a special reason upon record for so permitting him. This was the most easy and natural mode of proceeding; for every gentleman would see that it would be very hard indeed upon the governor-general to call upon him to state his reasons for sending an individual away. The hon. member had also said, that no person could go to India without the special leave of the court of Directors; thereby insinuating that it was matter of some difficulty to obtain it. He held in his hand a list of the applications which had been made for such leave since 1814. The number of applications in that time was 963: of these 743 had met with a successful issue from the court of Directors, and 41 with the same from the Board of Control; so that, in the whole period, there had not been more than 179 refusals. The hon. member had found fault with the act, because it provided that a man without a licence might be removed by the governor-general. Now, no man could be removed by the governor-general alone, but only by the governor-general in council. Every member of the council had a right to state his opinion with regard to the propriety of removal, and thus there was some control upon that arbitrary exercise of power against which the hon. member had declaimed. With respect to the motion itself, he was extremely willing to give all the information it sought in substance; but he felt it due to the individuals themselves not to return names which might individually affect persons who, after a number of years, could not contemplate such a disclosure. He should, therefore, move, as an amendment, for "a return of all persons removed from India, or ordered to quit India, since 1784, by any of the governments there, on the ground of being found in India without a licence from the court of Directors of the East India Company, or other lawful cause:—also, a return of all persons whose licence or permission to reside in India has been revoked by any of the governments, specifying the ground of such revocation, and distinguishing such persons as have been removed from India by order of such governments; stating whether such removal has been preceded by personal arrest or imprisonment, for what period and where, and whether the same has been preceded or followed by any judicial proceeding in India or England."

The motion, as amended, was agreed to.

BEAR-BATING PREVENTION BILL.] Mr. *Martin*, of Galway, rose to move for leave "to bring in a bill to prevent Bear-baiting, and other cruel practices." He submitted his motion with perfect confidence of its success; because, in the interval which had elapsed since the last session, he had conversed with every alderman of the city of London, with almost every police magistrate in the metropolis, and with many magistrates in different parts of the country, and had collected from their conversation that it was their unanimous opinion, that these cruel practices ought to be put down. He had been told by them, that nothing was more conducive to crime than such sports; that they led the lower orders to gambling; that they educated them for thieves; and that they gradually trained them up to bloodshed and murder. The reason why the police could not meddle with these practices was, that they were not in general exhibited for money. He held, however, in his hand an affiche, which would bring the sports under the notice of the police, since it fixed a price upon the ticket which was required for admission to them. It announced that "Billy, the phenomenon of the canine race, and superior vermin-killer," would go through his wonderful performances on Tuesday next, and that the receipts of the pit would on that evening be presented to the distressed widow of Billy's late proprietor. It then stated, that "a dog-fight—a turn-loose match with two dogs and two fresh badgers—and a drawing match," would follow this astounding spectacle; and that several dogs would then be tried at a bear previous to their being sent out upon their travels to foreign climes. The doors were to be open at seven, the performance to begin at half-past, and the admittance to be 3*s*. each. The whole of the sports were said to be instituted by the "express invitation of several noblemen and gentlemen of the first distinction." He expected that this declaration would secure to him the vote of the learned member for Winchelsea. On a former occasion, that learned member had said, that he (Mr. M.) meddled only with the sports of the poor, and turned away his eyes from those of the rich. He did no such thing; but was equally anxious to meddle with both, when he found them opposed to the dictates of humanity. The learned member had said, "Show me that the nobility take part in those sports, and I will join with all my heart in putting them down." He was sorry to say, that some persons of rank and name did patronize these cruel practices. The persons to whom he alluded, deserved to be stigmatized with severer reprobation than the poorer classes, against whom alone his bill was said to be directed. Their education ought to have given them feelings averse to cruelty and bloodshed, and to have taught them that their example would be of vast importance in propagating such feelings among their inferiors. He therefore trusted that the learned member would redeem the pledge he had given him, and would give his strenuous support to the bill. He could see no rational objection that could be urged against it. By the Marylebone act all bear-baiting and other barbarous sports were prohibited within that parish: and it appeared to him difficult to assign any reason why, if that parish was to be exempt from such inhuman exhibitions, the parishes of St. George and of St. Margaret, or of any other saint, were to be disgraced and disgusted by them. It was not, however, merely bear-baiting, and sports of a similar nature, that he wished to abolish: there were other practices, equally cruel, with which he thought the legislature ought to interfere. There was a Frenchman of the name of Majendie, whom he considered a disgrace to society. In the course of last year, this man, at one of the anatomical theatres, exhibited a series of experiments so atrocious as almost to shock belief. He would not trust himself to express a further opinion upon this fellow's conduct, but would merely say that he looked upon those who witnessed it without interfering to prevent it, almost in the light of criminals. This Mr. Majendie got a lady's grey-hound, for which he paid ten guineas. He first of all nailed its front, and then its hind paws to the table, with the bluntest spikes that he could find, giving as a reason for so doing, that the poor beast in its agonies might tear away from the spikes, if they were at all sharp and cutting. He then doubled up its long ears, and nailed them down to the same table with similar spikes [cries of "hear," and "shame"]. He then made a gash down the middle of its face, and proceeded to dissect the nerves on one side of it. First of all, he cut out those nerves which belong to the sight, and whilst performing that operation, said

to the spectators, "Observe when I pass my scalpel over these nerves, the dog will shut its eyes." It did so. He then proceeded to operate upon those of taste and hearing. After he had finished those operations, he put some bitter food on the tongue of the dog, and hallooed into his ear. The dog repudiated the food, and was insensible to the sound. This surgical butcher, or butchering surgeon—for he deserved both names—then turned round to the spectators, and said, "I have now finished my operations on one side of this dog's head; as it costs so much money to get an animal of this description, I shall reserve the other side till to-morrow. If the servant takes care of him for the night, according to the directions I have given him, I am of opinion that I shall be able to continue my operations upon him to-morrow, with quite as much satisfaction to us all as I have done to-day; but if not, though he may have lost the vivacity he has shown to-day, I shall have the opportunity of cutting him up alive, and showing you the peristaltic motion of the heart and viscera." [Great disgust at the statement of this cruel experiment was manifested by the House.] He was aware of the necessity of making some experiments on living animals; but then they should be performed in such a manner as to cause as little suffering as possible. That was the opinion of the most eminent professors. He held in his hand the written declarations of Mr. Abernethy, of sir Everard Home, of the professors of medicine at Cambridge and Oxford, and of several other respectable medical gentlemen, to that effect. They all, he believed, united in condemnation of such excessive and protracted cruelty as had been practised by this Frenchman. He had heard that this fellow was again coming to this country to repeat his experiment. He therefore had mentioned it to the House, in the hope that it would gain publicity, and excite against the perpetrator of such unnecessary cruelty the odium he merited. He trusted that when it was known, the fellow would not find persons to attend his lectures, and would thus be compelled to wing his way back to his own country, to find in it a theatre for such abominable atrocities. After some further observations, he concluded by moving for leave to bring in the bill.

Sir *M. W. Ridley* could not but express his horror at the incidents narrated; but he thought the hon. member had introduced matter which was not applicable on the present occasion. It was true, the Mary-la-bonne act rendered the practices alluded to, misdemeanors; but they came, in his opinion, under the cognizance of the magistrates, in all cases where they operated as a nuisance. He should oppose this bill, because he considered legislation on such paltry subjects both unnecessary and uncalled for.

Mr. *Martin* said, that all the magistrates of the metropolis called for a law to put down these practices as a nuisance. Was not their call entitled to some respect? It was discreditable to any member, to rise and say, not that he would negative the bill when it was brought in, but that he would not permit it to be canvassed at all in parliament. Would any man get up and boldly say, "I am such an amateur of cruelty, that I will not even allow a measure to be discussed which tends to abolish it?" Such language no man would dare to utter; and yet, what had been said that evening approximated to it. He was afraid he should be defeated upon this bill; but if he was, the glory would be with him, and the disgrace with those who vanquished him. He was, however, confident that at some future period it would be passed into law. He would not say that it would meet with that success whilst under his direction; but if the gentlemen opposite would take it up, as they had done his bill for giving counsel to prisoners accused of felony, he would willingly surrender it into their hands.

Mr. *Gordon* said, he must consider this a degree of petty legislation, when questions of so much more importance were before the House.

Mr. *F. Buxton* did not think the subject so insignificant as not to deserve the notice of the House. The hon. mover had conferred an essential benefit upon the community by his continued exertions in the cause of humanity. His former bill had already produced a beneficial change in the manners of the lower orders, and was far from having produced that unnecessary litigation which some gentlemen had anticipated. The prosecutions which had been instituted under it were 71 in number; and in 69 cases convictions had been obtained. He had heard from those who attended Smithfield-market, that a great revolution had taken place in it, owing to the exertions of the hon. member. Even those who were the first subjects of

his attacks, had recently come forward to subscribe to the society for preventing Cruelty to Animals.

Alderman *Bridges* supported the bill, and gave his concurrence to the statements of the hon. mover.

Mr. *Butterworth* hoped the hon. member for Galway would extend the powers of his bill to the savage, abominable, and unchristian practice of prize-fighting, which had led in many recent instances to the loss of life.

The House divided: Ayes 41. Noes 29.

NAVY ESTIMATES.] The House resolved itself into a committee on the Navy Estimates. On the resolution, "That 54,886*l*. be granted for the Salaries and Contingencies of the Admiralty Office,"

Sir *J. Yorke* wished to ask, why the salary of the private secretary to the first lord had been increased from 300*l*. to 510*l*. per annum. He saw no reason for this, when it had been found prudent to reduce the number of lords of the Admiralty. He was surprised, that, in this great and powerful country, he could only find a reduction, on all the boards, of 3,500*l*. Would his hon. friends say, that one commissioner of the Victualling or Navy board, or one lord of the Treasury had been reduced? No; the whole reduction was one Post-master and two lords of the Admiralty. He thought, if the hon. baronet who had brought forward the motion for the reduction of the lords of Admiralty were to reconsider the matter, he would be disposed to vote for their being re-appointed. He wished to see an additional 2,000*l*. added to this part of the estimates, to restore the two lords, as without that they were not fairly dealt by.

On the motion for agreeing to that part of the report which recommends granting the sum of 538,306*l*. for the dock-yards, &c.

Mr. *Hume* complained of going on, year after year, expending millions of money in building ships, only to lie and rot. It was not proper to pass such estimates. For the years 1823, 1824, 1825, the amount had been the same as 1817. The expense of buildings in the dock-yards, &c. ought to be checked. Since 1811, we had expended on the dock-yards 4,853,000*l*.; and for works connected with them 1,587,000*l*.; making a total of 6,400,000*l*. expended on nothing but brick and mortar. One year there was an estimate for 600,000*l*., another year for 500,000*l*., and then the year after for 800,000*l*. It appeared that no system was followed, and that some estimate or plan should be followed, and the money not expended as some lord of the Admiralty took a fancy to build. Since 1815, twenty-three millions had been expended on building and repairing ships that were only kept to rot. It would be better to give pensions to every workman in the dock-yards, if it were the object to employ them, than thus to waste money on ship-building.

Sir *G. Cockburn* did not believe the hon. member could be correct in his statements. Peace was the time for putting our dock-yards, in a good state: during war it was impossible to do it.

On the resolution for granting for the Naval college, the sum of 6,252*l*.,

Sir *J. Yorke* inquired if it was intended to keep that college up to its full extent, as he understood that one of the pupils, Mr. Bonnycastle, had left this country and gone to America. He approved of science being taught, but charity, he thought, began at home; and we ought not to pay for the education of young men who were to carry their scientific acquirements to another state.

Mr. *Croker* replied, that every student was obliged to give a bond of 500*l*. that they would remain in the king's service. He did not see what other security could be taken from them; and if Mr. Bonnycastle chose to forfeit his bond, he did not know how that was to be prevented.

The resolutions were agreed to.

HOUSE OF COMMONS.

Friday, February 25.

STANDING ORDERS—ISLE OF DOGS RAILWAY.] A petition was presented from the Regent's Canal Company, complaining that a petition had been presented to the House, praying for leave to bring in a bill to empower a certain company to construct a rail-way from the Isle of Dogs into one of the most populous districts of the metropolis; although the standing orders of the House had not been complied with respecting the notices, &c. it appearing that the rail-way was intended to cross the Regent's Canal, immediately below one of the locks, of which intention the proprietors of the Regent's Canal had been apprized only last week.

The *Speaker* said, that, as this petition

related to a subject of great importance, and one respecting which the House, and, through the House, the public, ought to know what was to be the exact practice, he would make a few observations upon it. It was well known, that when a petition was presented to the House for a private bill, that petition was referred to a committee, to inquire if the standing orders had been complied with by the petitioners. If the report of that committee was, that the standing orders had not been complied with, then that report was referred to the committee on the standing orders, to determine whether or not the standing orders with reference to that bill should be dispensed with. It was also well known, that neither committee had any thing to do with the merits of the case generally, but that their inquiries were strictly confined to the question of the standing orders. The point which it was now desirable the House should distinctly determine was, whether, when a petition was presented to the House from a party adverse to a private bill, praying that the standing orders with respect to that private bill should not be dispensed with, that petition should also be referred to the committee on the standing orders, together with the original petition, and the report of the committee to whom that petition had been referred. It certainly seemed desirable, that the committee on the standing orders (which committee, although it had been instituted only last session, had rendered the greatest service to the public) should have materials from both parties before them, in order to form their judgment, whether or not the parties petitioning for a private bill, should be excused from an observance of the standing orders of the House. Such was the usage before the institution of that committee; and when the duties which had devolved upon it were discharged by the Speaker, who (at least he could speak for himself) always took into consideration the opposite petitions. But, above all, it was desirable, that the practice should be fixed and ascertained, in order that the House, the petitioners, and the public generally, might know whether the report of the committee on the standing orders was an ex-parte report, on which the House might afterwards pronounce, or whether it was a report, leaving (as he had before observed) the merits of the case wholly untouched, but founded on a consideration of the allegations of both parties with respect to the expediency or inexpediency of dispensing with the standing orders of the House.

A conversation of some length ensued. The general understanding was in favour of referring to the committee on the standing orders, the petitions praying that the standing orders might not be dispensed with, as well as the petitions of the original parties, and the reports of the committees to whom the latter had been referred; but it was eventually determined, that the decision on the question should be postponed for a few days.

British Museum.] Sir *Charles Long* presented a petition from the trustees of the British Museum, the statement contained in which he begged permission to repeat to the House. Mr. Rich, who had been in the service of the East India Company, as their resident at the court of the pacha of Bagdat, had made, during the many years which he resided in India, a very extensive and valuable collection of manuscripts, medals, and antiquities. It was the wish of that gentleman, who was since dead, that this collection should be in the possession of the British Museum, in order that, by being opened to public inspection, it might be the means of facilitating the discoveries and studies of persons of science. His widow, in pursuance of this desire of her late husband, had offered the whole of his collections to the trustees of the Museum at a reasonable price, to be fixed upon by persons who were acquainted with its value. The trustees, when this offer was made to them, felt bound to make an inquiry into the value of the collection. They procured the opinions of Dr. Macbride, Dr. Nicholls of Oxford, Dr. Leigh of Cambridge, and of Dr. Young. They gave their concurrent testimony, that it was highly valuable, and would form an important acquisition to the British Museum. The collection consisted of 900 volumes of manuscripts, in the Persian, Turkish, Chaldaic, Syriac, and Arabic languages. They contained commentaries on the scriptural writings, and were likely to afford very important illustrations of the sacred text. Another part of the collection was composed of Oriental and Greek medals, the value of which would be satisfactorily proved to the House when he told them, that they were held in the highest estimation by the late Mr. Payne Knight, who had carefully examined

them. The last part of the collection was a large quantity of antiquities, which had been discovered in the neighbourhood of Babylon and Nineveh, on which were inscribed characters which had not yet been deciphered, and which it was obvious, never could be deciphered, but by means of comparing them with other similar remains. Notwithstanding the long and intimate connexion which we had had with Asia, the library of the British Museum was almost wholly destitute of the productions of oriental literature. This was one reason why he recommended the purchase of the collection. Another was, that it was in itself complete and entire, and contained not one duplicate of any thing the Museum at present possessed. He had, in the course of the last session, when he called the attention of the House to the munificent gift which his majesty had made of the late king's library, expressed a belief that this example would be followed by others. He had great pleasure in stating now—(not because it was a fulfilment of his own prediction, but because it was highly honourable to the generosity and public spirit of the individual to whom he alluded)—that sir Richard Colt Hoare had expressed his intention of presenting to the trustees of the British Museum, for the use of the public, the large and valuable library which had been collected by himself and his family. It contained among other valuable books, a complete collection of Italian history and topography, and amounted to not less than 17 or 18,000 volumes. After stating, that the computed value of the collection of the late Mr. Rich was 8,000*l*., of which 6,000*l*. was for MSS.; 1,000*l*. for the medals; and 1,000*l*. for the antiquities, the right hon. bart. brought up the petition. He then moved, that a committee be appointed to report to the House their opinion on the proposed purchase; which was agreed to.

The House being in a committee of supply, Mr. Bankes moved "That 15,416*l*. be granted for the service of the British Museum, from 25th Dec. 1824 to the 25th March 1825."

Mr. *Croker* rose, not for the purpose of opposing the vote, or to repeat an observation which he had made last year respecting the price at which the catalogue of the Museum was sold. A catalogue was, as it were, the key of the Museum, and highly necessary to the persons who wished to consult the books. The price of it was 7 or 8 guineas, and this made it wholly impracticable for poor scholars to procure it. He was sure the House would agree to no vote more readily than to one which would enable the Museum to sell their catalogue at a cheaper rate.

Mr. *Bankes* said, the price of the catalogue was four guineas, but that, he was aware, was too large a price.

Mr. *Hume* wished to know whether there was any objection to adding one or two days in each week to the three on which the Museum was open to the public.

Mr. *Bankes* said, that there were only two days at present reserved for private inspection of the Museum, and this reservation was made with a view to accommodate foreigners and other curious persons, and whose object would be frustrated by the admission of a crowd.

Mr. *W. J. Bankes* reminded the House of the circumstance of the collection which had been ceded by Mr. Salt to the British Museum; 4,000*l*. had been given to him for that collection; but he was still a loser by it, owing to the sum which he had had to pay for the alabaster sarcophagus. Mr. Salt made no demand for the sum he had lost, but he (Mr. B.) hoped that some opportunity would offer of remunerating him.

The vote was agreed to.

UNLAWFUL SOCIETIES IN IRELAND BILL.] Mr. Goulburn having moved the order of the day for the third reading of this bill.

Mr. *Leycester* said, that, in his opinion, the society ought to be tolerated by the government, because, if it were put down, it would give rise to other societies which would be far more formidable than this, and which no human power would be able to put down. He was sure that the Association had contributed to preserve the peace of Ireland; and he could not doubt that it would continue to do so. He believed, too—and this was another reason which would make him regret to see it put down—that Catholic emancipation would be hastened, and rendered more certain, by means of the Association. It was wholly incompatible with Orange Associations and Orange triumphs; and by annihilating these, which had always been the destruction of public tranquillity in Ireland, it would produce real and lasting benefits to the country. It was said of a great man of old, that he could,

by a stamp of his foot, raise thirty thousand men: but the right hon. Secretary for Foreign Affairs might do more; for he could, by advancing one step towards the Opposition side of the House, raise six millions of people from a state of degradation to an equality with their fellow subjects.

Mr. *Spring Rice* said, he did not mean to occupy the attention of the House at any length, for though he was prepared to defend the legality of the Catholic Association, and to controvert the truth of every charge that had been brought against that body, still he felt that branch of the subject to have been so amply discussed as not to require any further argument on his part. He would, therefore, take leave of the Association, admitting it to be evidence of a lamentable society in any country where any association, whether Protestant or Catholic, could, to a considerable degree, assume and exercise the functions, and wield the whole population at its will and pleasure. The objections which he was now prepared to make to the bill before the House had not, as yet, been touched upon. They were founded upon the unconstitutional principles of the measure proposed for the adoption of parliament. For the first time the imperial legislature was called upon to adopt the principles of the Irish Convention act. Not only were they called upon in the recitals of the present bill to adopt that most unjustifiable statute, but to declare (for the act was declaratory), that a delegation for the purpose of effecting a redress of grievances was illegal. This he denied; he knew that at former times the names of Chatham, Portland, and Fox, were known to parliament as the names of delegates. In Ireland, the illustrious men whose exertions had procured liberty for their country—Charlemont and Grattan—they were delegates; and if the Convention act was true to its declaration, these true patriots ought to have been met, not by a vote of thanks from parliament, but by an information or an indictment at the suit of the Attorney-general. If the Convention act was true in its declaration, then parliament informed the people of Ireland, that it was from illegal societies, for which the members were liable to pains and penalties, that freedom of constitution, and freedom of speech had both proceeded. Was this a safe or a salutary lesson? Did it not lead to dangerous inferences? Again, if the declaratory part of the Convention act were to be considered accurate, it only declared the common law—the common law of England as well as of Ireland—and the House were admitting a principle which hereafter might be turned against themselves. He begged to read to the House a protest entered on the Journals of the Irish House of Lords, and which was sanctioned by the names of lord Charlemont and Leinster:

"Because we are clearly of opinion, that the laws, as they now stand, are amply sufficient to curb licentiousness of every sort, and to prevent or punish all such crimes as may be injurious to the state, or subversive of public tranquillity.—Because that, as this bill assumes to itself the style and character of a declaratory as well as an enacting law, we cannot enough testify our disapprobation of the dangerous principle of grounding a declaration of law upon old statutes, fallen into disuse from the increasing spirit and wisdom of the times, and esteemed by all sound and constitutional lawyers the disgrace of the Statute-book.—Because we conceive it improper and indecent that this law should be brought forward when this House is ill-attended, and deprived of its best and wisest members."

But, supposing the Convention act to be true in its principle, it was utterly unfair to have argued as if it had even been intended to apply to the Irish Catholic committee of 1793. It was intended solely to apply to the Protestant delegates assembled at Dungannon, and to the congress about to be called together at Athlone. The Attorney-general of Ireland, lord Kilwarden, expressly stated, in reply to Mr. Grattan, that not one of the framers of the bill considered it to apply to the Catholic committee. "After the legislature had acceded to their claims," observed that learned and excellent person, "no one would be mad enough to insult the Catholics by a bill in parliament"—and yet, that very course which lord Kilwarden considered that no person would be "mad enough" to suggest, the House was now called upon most rashly and unjustifiably to pursue.—Before he quitted this part of the subject, he would just remind the House of the opinion of Mr. Ward, now a member of the upper House, who, in 1812, so far from objecting to meetings of delegates, considered that mode of proceeding as the safest, wisest, and most constitutional.

He now begged leave to call the attention of the House to one of the marginal notes of the present bill, which he could not consider immaterial, although he knew, in point of law, it was of no force or validity. It was the suggestion that the Convention act had been "evaded." He denied the fact; the act only prohibited delegation or representative meetings; and no meeting which was not of a representative character could fairly or legally be termed an evasion of the act. All that was not prohibited by law remained strictly legal. He objected to the word, because it might hereafter be applied as a rule of the construction of the present act, and matters might be sought to be brought within the spirit of a new bill, as persons are said to fall in action by the wind of a cannon-ball. A penal statute is strictly and accurately defined by its words of limitation, and the Catholics of Ireland will be justified, after the passing of this bill, in preserving their union, and persevering in their meetings in every way not directly forbidden. Even if they could "evade," as it is called, the letter of the act, it should be recollected, that they had Orange authority for so doing. In 1823, an act was passed against Orange societies in Ireland: no sooner had the royal assent been given, than the following circular was addressed by the Grand Lodge to all its affiliated societies. This precious document began in the form with which Frederick the Great might have addressed his friend Joseph of Austria. "Sir and Brothers:" and it then proceeded as follows:—"It is now illegal to administer an oath to any person becoming a member, or to exact or permit any test or declaration tantamount thereto. In a few days the grand lodge will forward to the different counties a new form for the admission of members, in strict obedience to the law of the land; which every member of the Orange Association is bound to support and yield obedience to." He did not read this as a charge against the Orangemen—they were justified and justifiable—but the Catholics would be equally so if they took a similar course. Nor would it seem that the acts of the Orangemen had been disapproved of by the Irish government, as, from the year 1823 to 1825, no step had been taken to discountenance the lodges in their new shape.

The proposed bill contained many unjustifiable provisions, but there was one that surpassed all others in its objectionable nature, and he intended to move that it be omitted. It was that clause which empowered magistrates to invade the sanctuary of every private family. He would read it to the House:—"And be it further enacted, That it shall and may be lawful to and for any *mayor*, *sheriff*, or justice of the peace, and they are hereby respectively authorised, empowered, and required, within his and their respective jurisdictions, to command all meetings hereinbefore declared to be unlawful assemblies, immediately to disperse; and if any such meeting shall not thereupon immediately disperse, to apprehend all persons offending in that behalf, and to demand admission into any house, out-house, or office, where they shall respectively have *good reason* to believe that such unlawful assembly shall be, and, if refused, to enter by force." This he considered to be one of the most monstrous and unjustifiable provisions that could be proposed to be inserted in an act of parliament. Even if the magistrates of Ireland were all that was most pure, it would be wrong to intrust them with such powers; but when it was a matter of notoriety that many of the magistracy had committed acts of the greatest injustice, how much more impolitic would it be to do so? [hear]. He did not intend to make a sweeping charge against the entire body of the Irish magistracy. There were among it many pure, upright, honorable men. He himself was a member of that body, and so were some of those most near and dear to him; but if he could show that it contained some persons capable of exercising their ordinary power with a mischievous activity, he conceived that would be an argument against vesting them with extraordinary and discretionary authority; and an authority, which, in the terms of this act, was almost without responsibility. He contended, that allowing a mayor, sheriff, or justice, without information on oath, if he shall see "good reason" to enter a house forcibly by day or night, gave those magistrates an indefinite and an irresponsible authority. When these new powers were about to be granted, it was at least necessary to inquire into the character of those who were to administer them. This he would proceed to do, however reluctant he might feel on such a subject. It should be remembered, that if reflections were to be thus cast upon the magistracy the fault was not his—it

rested with the framers of this most iniquitous bill: they, and they only were responsible. He would not rest his arguments upon any loose general reasoning—he would not rest it upon statements in ex-parte petitions, as on the accusations of the Catholic Association.—His proofs should be the verdicts of juries, the judgments of courts of law; his first witness, the lord-chief-justice of Ireland. He would call the attention of the House to the proceedings on one circuit, and at a single assize; but he would ask them to judge of the characters of many of the Irish justices by the specimen which he was prepared to exhibit.—He alluded to these cases the more freely because he had the satisfaction of seeing a learned member (Mr. Doherty) in his place, who was capable of contradicting him if his statements were erroneous. The circuit to which he intended to refer was the Leinster circuit of 1823. The first case to which he should allude, was one tried at Waterford, on the 31st of July—that of Nagle and Boyce. Nagle had a farm from the father of Boyce, a magistrate; his landlord wished to get possessed of this farm; while they were under some treaty for surrendering it, Nagle was apprehended on a false charge, lodged in some small bridewell in the town of Tallow, on an imputed felony; there he lay fifteen weeks, without food or fuel, except what was brought by his friends, and without any report of his case; until, at length, it came under the notice of an honorable and excellent person, colonel Curry, of Lesmore-castle, who ordered the prisoner to be transferred from Tallow to Waterford gaol. To prevent exposure, then, Boyce contrived to detain him; however, failing in that, he released him on receiving 10*l.* and a surrender of his farm. He was thus first committed, charged with felony; and then discharged without trial. For this false imprisonment an action was brought, and a verdict obtained against the landlord Boyce. The learned gentleman opposite was employed on the side of Nagle; and, in his speech, spoke strongly, and powerfully, and eloquently, reprobating arrogant and imperious magistrates. His learned friend, he thought, here did himself the greatest honour. He would also state, that this magistrate was thought utterly unfit to hold the commission of the peace; and he was no longer in the commission of the peace. This, he said, was entirely due and highly creditable to the Irish government. But, what were the observations of chief-justice Bushe on that occasion? He stated, that "it would be a mockery to open courts of justice, and for judges and juries to assemble to administer the law, if the very fountains of justice were to be polluted in their source; and if men who were invested with an important public trust were to make their authority ancillary to their private ends." In another case, tried also at Waterford, it appeared, that a landed proprietor, of the name of Matthew Power, finding that some country people had assembled for the purpose of cutting and collecting some sea-weed for manure, and considering this to be a violation of his exclusive privilege, seized the sea-weed. In consequence of a rescue, Mr. Power ordered out the armed police, and one of the country people was shot. Thus, to try a civil right respecting sea-weed, a human life was lost, and the latter was literally considered by these Waterford gentry, "projectâ vilior algâ." The observations of the chief-justice to the prisoner were the following:—"It would have been more fitting that Mr. Power should have been placed at that bar than you. I can conceive nothing more deplorable than that gentlemen, in vindication of their real or supposed civil rights, should resort to such rigorous and unwarrantable proceedings against men in the humbler classes of society. I am quite convinced that this vindictive and overbearing spirit has been one of the principal causes of the turbulent and lawless proceedings which disturb so large a portion of some neighbouring counties; and I cannot feel surprise that it should produce such consequences. If persons in the higher ranks in society will lord it over their inferiors with a strong hand—if, in the assertion of their own rights they trample on public justice, or convert the laws which should afford equal protection to rich and poor, into instruments of oppression towards the weak and powerless, is it not in vain to hope that the common people will feel for them either respect or affection, or that they will refrain from endeavouring to procure for themselves, by violence, that redress which the conduct of their superiors teaches them is not otherwise to be obtained? I would fain hope, however, that the circumstances of this melancholy case, coupled with the verdict obtained yesterday against Mr. Boyce,

will produce some effect in putting an end to these petty oppressions. I trust they will be long remembered by the gentlemen of this county, and that they will impress on their minds a lesson never to be forgotten; and I sincerely hope that it may never again be the duty of any judge to denounce from this bench such mischievous proceedings as have been developed in these instances." Such is the character of some of the gentry, as given by the chief-justice of Ireland from the bench. And, was it to this gentry they would give the powers of this bill—to break into any poor man's house, upon any suspicion, however vague, and trampling upon justice and the people?

He would fearlessly ask, what was there in the avowed opinions of the Catholic Association stronger or more vehement against the conduct of the magistrates than this condemnation of the lord-chief-justice? He would not intrude upon the House this detailed and painful statement, but they were told from the other side, that general assertions were unfair. Could they, then, be blamed for bringing forward particular cases of oppression and misconduct. But his subject was still unexhausted. His next illustration should be taken from the case of Patrick Carroll against Mr. Falkiner, a magistrate of Tipperary, tried at Clonmell on the 23rd July, 1823. The action was one of false imprisonment, and as the offence was committed under the Insurrection act, it was of peculiar importance to the House and to the public, how that most severe law was sometimes administered. The plaintiff Carroll was intrusted with the execution of a civil process against a Mr. Walsh; at the house of the latter, he met Mr. Falkiner the magistrate. By Mr. Falkiner, he was commanded to take off his hat, and not giving obedience to this order as quickly as might have been expected, he was committed for trial under the Insurrection act. Under this charge, he was conveyed, in most inclement weather, a distance of eleven Irish miles, and was confined in a wretched bridewell at Borrisakean, after having vainly tendered bail. Mr. Falkiner did not, however, think it advisable that the victim of this injustice should be brought to trial, and he went in person and ordered his discharge. In this case the chief justice informed the jury that "the only question for them to consider was, the amount of damages, as it could not be supposed by any rational man that Mr. Falkiner imagined Carroll was violating the Insurrection act in his visit to Walsh-park. It was a monstrous absurdity to suppose that the law of the land would suffer the Insurrection act to be converted into an instrument of oppression." A verdict for the injured party was accordingly given. He hoped the case would be remembered, should the government apply for a renewal of the Insurrection act. Should such a case unfortunately occur, he would implore the House to pause before it again gave the power to a magistrate, of committing a man because he refused to take off his hat. Some of these delinquent magistrates had been removed from the commission of the peace, and he would do his hon. friend opposite, the secretary for Ireland, the justice to say, that his letters reflected the highest credit upon him and the government. He had said, one of the defendants whose cases he had stated, was utterly unfit to remain in the magistracy, and he had been accordingly removed from it; but would any one say that this purification had been sufficient:—that the removal of one or two individuals, charged with such crimes as these, would leave a body fit to be intrusted with such a power as was contained in this bill? No, he would go further; he would say, that he would not trust it to the magistrates of England—no, nor to those of Utopia—no men should possess a power to break into their fellow-subjects' houses at their own discretion.

He would mention another case, continuing to give his examples of the whole from one circuit—this was the case of "Laurence versus Dempster;" it took place at Clonmell. This Dempster apprehended Laurence under the Insurrection act, while every one was walking abroad, even his own wife, making the object of his antipathy the victim of his resentment and hatred. He committed him to a narrow gaol, and left him 48 hours imprisoned in his native town, charged with a transportable offence. On this occasion as on the former, his learned friend Mr. Doherty had been concerned, and his observations then made were entitled to the greatest respect and attention. He stated "that he rejoiced that the cases of oppression under colour of this law, developed at one assizes, were not earlier made public, lest the sturdy guardians of liberty who yield-

ed such reluctant assent to the re-enactment of this harsh, but, as I believe necessary law, should have been confirmed in their opposition, from seeing the vile, selfish, and tyrannical purposes to which it had been made subservient in the hands of arrogant and oppressive magistrates." In this, as in former instances, a verdict for the plaintiff was obtained: yet this plaintiff was still in the commission of the peace. This was the third case of magisterial delinquency in one assizes, and one circuit, all punished within 10 or 14 days, and how could it be said, as it was, that the Insurrection act had been uniformly administered with equity and justice? Such an act bore no analogy to equity, and it was not in its nature that it should be universally administered with justice. But he would say, this bill, now before the House, should be regarded with still more suspicion, as it was an infinitely more severe and dangerous penal statute. This Insurrection act was at least intended to preserve the public peace. It was directed only against those who disturbed the public tranquillity. It was not the measure of a Protestant government against the Catholic Association, but the present bill was of a different character. The House and the public well knew against whom it was levelled. In fact, the House, by the present bill, armed the Protestant magistracy of Ireland against the Catholic population. Was it to them that the House would confer the power of entering a man's house? This was enough to make them think and suspend their judgments before they passed so extraordinary and impolitic a bill. But Catholics were not only to be placed under the county magistracy, who were certainly under the control of the lord chancellor, but under these corporation gentlemen, who are under no control; would the House put into the hands of a chartered, an arrogant, and oppressive magistracy, powers which they saw had been so frequently abused, [hear, hear], and put it in the power of the sheriff of Dublin to break into the house of any gentleman, of Mr. O'Connell even, whom the Attorney-general had so highly eulogised, to break into even his house upon the bare suspicion of an illegal assemblage [hear, hear]. He would ask the right hon. the Attorney-general of Ireland had he weighed it in his mind, and with his knowledge, and in his wisdom, when he sanctioned this bill, permitting gentlemen who came into office with the impress and image of king William upon them, to search the houses of the Catholics of Ireland? He would also put it to the right hon. Secretary, who had much of the responsibility of the welfare and peace and prosperity of Ireland resting upon him, whether he did not fear from this clause much iniquity and lamentable results?

He now took leave of the bill. He put it to the fair judgment of the House, if a bill armed with such powers should pass? It was with the most unfeigned regret that he had witnessed such a measure proceeding from the Irish government, because, in other respects, he felt that the country owed much to that government. They owed to lord Wellesley the improvement of the tythe-system. They owed to lord Wellesley the reform of the magistracy. They owed to lord Wellesley the very prosecutions against justices of the peace, on which he had already so long dwelt. They owed all this and its good results to the Irish government. He felt for many members of that government the most unqualified respect—nay, he would venture to say, regard. That government was always open for the admission of good, true, correct, honest, and constitutional principles; but their only fault was, they never carried them far enough. He saw in that government the elements of good; but, at the same time—and he regretted he was compelled to notice it—he also saw an evident inability to carry their intentions into effect. It rested with that House to enable or compel them to pursue the course most advantageous to the country; and, in furtherance of that object, he would move, "That this bill be read a third time this day six months."

Mr. *Doherty* rose and said:—Sir, I do with the most unaffected sincerity assure you, it is impossible for this House to estimate the degree of reluctance with which I presume to intrude upon its attention, after the indulgence with which they have recently received me on a former night of this debate. Nothing but a desire to give some explanations of the many observations in the speech of the hon. member who has just sat down, which apply to me personally, could have conquered my disinclination to address you on the present occasion.

Mr. *S. Rice*, in explanation, said, he never meant to impute to the hon. and learned member, that he had been actuated by personal feelings.

Mr. *Doherty* resumed.—I feel conscious that facts would enable me to clear up every apparent inconsistency, but yet I much mistrust my own ability to do so at the present moment—the allusion which has just been made to me is at once so unexpected and so very embarrassing. Upon a former night, the same hon. member did certainly betray some disposition to assail me, but it was reserved for him to-night to commence his premeditated and prepared attack, by endeavouring to prove my inconsistency, from a comparison of my declarations in this House, with sentiments contained in speeches said to have been delivered by me as a barrister on circuit, now nearly two years ago. Sir, if I have been guilty of what he insinuates, if he does not distinctly charge, I am undeserving of the appellation of friend, with which he has so kindly honoured me, and unworthy of retaining my seat in this House [cries of no, no]. I say, Sir, that the import of the hon. member's words on a former night, which I have accurately noted down, are not to be mistaken. The hon. member then expressed a wish that I had given the House the benefit of my own experience as a barrister on the Leinster circuit, instead of referring to the evidence of others; and added, that this experience in another capacity which he and I know, might have taught me the impurity of justice in Ireland. Why, Sir, give me leave to ask, what is this but to insinuate, if not directly to charge, that I have sought to wield the evidence of others to create an impression in this House, different from that which I had myself reason to entertain, from that which ought to have been the fair result of my experience as a lawyer, and in some other capacity known to the hon. member and to me?—If, Sir, I have endeavoured to do so, I admit indeed that I have been guilty of an offence for which I ought to blush—but if the House will bear with me for a short time, I trust I shall be able to free myself from this foul imputation. I trust I shall be able to convince them, that though I admit myself to be a barrister, I leave my advocate's gown, without the threshold of this door, and endeavour, when I enter it, to assume a conduct and character more befitting the high station of a senator—to throw off the zeal, and warmth, and prejudice of the advocate, and assume the coolness, the candour, and sincerity which best become a member of this House.

Sir, it will be necessary for me to enter into some little detail, in order to show how it is that I have been placed in my present position, and become, more by accident than either by election or delegation, what I feel myself now in some measure voted to be, the champion of the purity of the administration of justice in Ireland. It is now, Sir, about two years since a petition was presented to this House from the Catholic Association, by the learned member for Winchelsea, complaining, in no measured strain, of the impure and unequal administration of justice in Ireland; that the Catholic had no chance in opposition to the Protestant, nor the poor when opposed to the rich; that the fountains of justice were corrupt, and that it flowed impure from its very source. This, you will observe, was a charge as general as it was serious—not limited or restricted to any particular class of persons, or district of the country—but applied equally to the north and to the south, the east and the west. I had not the honour of possessing a seat in this House at that time; but you may recollect, Sir, that even the talent of the learned member who presented it, was unable to support that petition; and he was obliged to admit, that it abounded in every thing but facts. When I read that document, it struck me, as it did all with whom I conversed upon the subject, that it was founded on exaggeration and misrepresentation. It did not, however, seem wise to the Catholic Association, from which it had emanated, to view it in this light; and, when that body heard the fate of their petition, a leading member expressed astonishment that any members could be found to entertain a doubt as to the corruptness and partiality of justice in Ireland, and of the inequality with which it was dispensed to the Catholic and to the Protestant; he promised, however, that facts should speedily be supplied, to substantiate the charge—his only difficulty was, as he stated, in making the selection from the great number of cases which existed; but he alleged, that the then last Leinster circuit (the same one of which we have this night heard so much) would furnish abundant matter for complaint. After the copious quotations which the House has just heard from the speeches delivered by me as counsel on that circuit, I need hardly tell them, that I had an opportunity of judging how far the records of that circuit would support

the charge; and I did then feel, as I now still feel, notwithstanding the able arguments of the hon. member for Limerick, that nothing which occurred on that circuit went in the slightest degree to establish that the administration of justice in Ireland is corrupted in its source—that there is partiality in the administration of justice, when Catholics are concerned—or that the poor man could not, when he came into court to seek redress, obtain justice equally with the rich. This, Sir, being my conscientious conviction on the first occasion, after I had the honour of entering this House, when I believe the hon. member for Midhurst was presenting a petition, and when, actuated no doubt, by a persuasion that justice was not to be obtained by a poor Catholic in Ireland, he proceeded to animadvert in strong terms, on the general mal-administration of justice in that country, I rose upon impulse, and at the moment, to bear my humble but sincere testimony as to what I believed to be the fact, and I then stated accurately to the House what were my opportunities of forming an opinion on this subject. Why, Sir, if, when I heard what appeared to me to be unfounded slanders uttered, often, it is true, refuted, but as often repeated, I had remained silent, my silence would have been construed into an acquiescence in their justice, and I should have despised myself for my timidity. The next occasion upon which this subject was brought under the consideration of this House, was when this bill for putting down Associations was introduced. The question as to the administration of justice in Ireland was necessarily introduced, and when I had last the honour of addressing you, Sir, I stated, that my impression on this point had been strengthened by the evidence of Mr. Blackburne and Mr. Bennett; two persons eminently qualified to form a correct opinion on the subject, and by the valuable testimony of Mr. Day, late a justice for twenty-one years of the court of King's-bench, and whose experience as a circuit-judge in every part of Ireland, enabled him to form a correct judgment, and I referred with particular pleasure to him, as one with whose strict impartiality, and whose means of forming an opinion, the gentlemen on the opposite side are well acquainted. Does any man suppose that I referred to the evidence of these three gentlemen to contradict that which I entertained as my own impression; or shall I not rather get credit for not wishing longer to build anything on my own testimony, when I could refer to that of persons in every respect so much more highly entitled to attention? To the hon. member for Limerick, however, it appeared otherwise, and in the course of his speech on the last evening, when he addressed the House, called attention to the fact of my having stated my belief, that justice is purely administered in Ireland, I cannot, Sir, forget the tone and emphasis so peculiarly his own, in which his learned friend, the member for Winchelsea, then exclaimed—"Aye, he did so not once but twice." Wishing, no doubt, to brand me as a hardened and incorrigible offender, for having twice presumed to infringe on established practice, by saying what I thought. Sir, I beg leave now to say, that so often as this misrepresentation shall be stated in this House, so often will I, as long as I have the honour to continue a member of it, meet it with my honest contradiction. I confess I feel very warmly on this point. I do so from a deep conviction of its practical operation on the welfare and tranquillity of Ireland. I do not mean to undervalue the importance of the Catholic question, or to state that, as a matter of feeling, the remaining disabilities are not intelligible to the Catholic peasant; but I am satisfied, that his interest in the Catholic question fades into insignificance, when compared with this subject of the pure and impartial administration of justice; in this each individual has a direct, immediate, and if I may say so, every day concern—it would be so in any country, but it is so peculiarly in Ireland. The day is long past since sir John Davis (one from situation and habit qualified to pronounce an opinion) gave this just description of the Irish—"There is no nation under the sun that doth love equal and impartial justice better than the Irish, or will rest better satisfied with the execution thereof, although it be against themselves, so as they have the protection and benefit of the law, when upon just cause they do desire it." What the Irish were in his time, such they are at the present day; judge, then, what must be the effect of exciting an impression among such a people, that they are not in possession of that first of blessings—an equal and impartial administration of the laws. I know of no mode more effectual for ex-

citing discontent, and for stimulating them to treason and revolt; it is, therefore, I am anxious to ascertain the truth or falsehood of the charge, in order that if true, we may lose no time in applying a remedy; or, if false, as I am persuaded it will turn out to be, the opponents of this bill may give up this unfounded, unworthy, and dangerous slander; with this question we can deal, and set it at rest for ever on this very evening. With the Catholic question it is not so: that is not within our power, even though we all were unanimous on the subject—there remain the other branches of the legislature to be satisfied on that.

Before, Sir, I proceed to examine in detail, and with as much accuracy as a memory, imperfect I fear from the length of time which has elapsed since they occurred, the several cases which the hon. member has just brought under the notice of the House, allow me to enter my protest against this most unusual, if not wholly unprecedented proceeding—I mean the production of the speeches delivered by a member of this House, in his capacity of a barrister, either to establish the facts stated in them, or as a test of the consistency of his sentiments. In my opinion, Sir, no two duties can be more dissimilar than those of an advocate and of a senator: the former is bound to speak the sentiments and touch the feelings which may best become or serve his client for the time being; and instead of being surprised at the contradiction which I have not been able to discover in my speeches which the hon. member has thought worthy of bringing under the notice of the House, I am amazed at the accident which has made so many of them in unison, instead of each being (as barrister's speeches often are) an answer to the other. For a more detailed and able exposition of the duties of an advocate I would beg leave to refer the hon. member to his learned friend the member for Winchelsea, who can give him a lecture on the subject, as he did to others upon a very memorable occasion [hear, hear]. And now for the cases. Those cases, from the then last Leinster circuit, which were "to afford abundant matter for complaint," and to supply the deficiency of facts in the original petition as to the unequal and partial administration of justice in Ireland—they have now for the first time been brought forward in this House; and I shall proceed to examine them one by one, as far as a possibly imperfect recollection of cases which have been disposed of two years ago, will permit. But first I must express my astonishment as to the manner in which those cases have been culled and selected. I do not recollect to have had the pleasure of seeing that hon. and learned—I beg pardon, hon. member I should say—in any capacity on the circuit; and I must therefore needs wonder how he has become possessed of his brief on the present occasion. [A laugh and hear]—The first case to which he has alluded is, I believe, the case of Nagle v. Boyse, tried at the Waterford assizes. I plead guilty to having been concerned as counsel, and to having delivered the speech which has just been quoted, and which I certainly never expected to hear repeated within these walls. That was a case of grievous oppression, on the part of a wealthy man and a magistrate. Whether the plaintiff was a Catholic or a Protestant, I cannot say; but, be he of what sect or party he may, the important point is—that, with my feeble aid to advocate his cause, he did recover against his high and wealthy oppressor a verdict, and substantial damages. Give me leave to ask, what part of the petition of the Catholic Association does this selected case from the Leinster circuit support—that a poor man cannot obtain justice against a rich?—Here he did so. That justice is impure and partial? What can be objected against any part of the proceeding in this case, or the result of it? I have only to add, that the magistrate who so unworthily used the powers intrusted to him, is no longer in the commission of the peace. Thus, then, the poor man has obtained redress, through these calumniated courts of justice; and the rich man has, through them, been brought to punishment and disgrace [Cheers]. The second case to which the hon. member has alluded—or rather which he has done me the honour of stating from my speech, is that of Laurence v. Dempster. Though, Heaven knows, I heard enough of that case in its day, I am not certain that I can at this moment, and under present circumstances, recall accurately all the facts, which possibly the House will not consider very astonishing. The defendant in this case is not an Irishman: he is a Scotch gentleman, not two years resident in Ireland. The party who complained of his conduct, was not a poor man, nor a Ca-

tholic, but equal in every respect to the defendant — he was a half-pay officer. The hon. and learned member here entered into an explanation of the circumstances connected with this case. With respect to the third case, stated once by me, and now again in my words by the hon. member for Limerick, my recollection is, that a gay and spirited young officer having just returned from the army, was intrusted with the commission of the peace, to which his respectability of station and character entitled him. He certainly was but little acquainted with the duties of a magistrate, and the plaintiff Carroll, having come to execute civil process either on Faulkner himself, or on some other guest, at rather an unseasonable hour, when he and his friends were regaling over the festive bowl, flushed with Irish spirit—he did, in an unguarded moment, commit the plaintiff to prison. This was, I admit, most unwarrantable, and I think it but fair to state, though I was counsel against him, and am not here counsel for him, that no man saw more clearly the impropriety of his conduct than he himself did, or felt more shame and grief at the transaction. But, Sir, the plaintiff, in this case also, was not driven unredressed from the Irish courts of justice, as you and others might be led to suppose, from the character which you have heard given of them. He, like all the other plaintiffs of whom we have heard, obtained ample remuneration from a jury. Sir, I am ashamed when I reflect how much of the time of this high assembly has been occupied in this pitiful detail of Nisi Prius trials. I should blush if I had been the person to render this course necessary, but I am in some degree consoled by reflecting that the detail into which we have been led must satisfy the House how little foundation there is for the allegation, that the Catholic Association had abundant matter of complaint arising from the transactions of that particular Leinster circuit. It seems to me rather to furnish proof that I was founded in my former statements—that justice was pure and impartial, and to be obtained as it was in all these cases before the institution, and without the aid of the Catholic Association. Sir, I think that as the hon. member has dragged me before the House as prominent in all the cases to which he has alluded, I may claim credit for not having spoken on a subject on which I had not some experience. I think I might on this point have said "experto crede." The hon. member for Limerick has done me the honour of alluding to me in another capacity. He said on a former night —"That the knowledge which he and I knew, that I had acquired in another capacity, might have taught me that justice was not purely administered in Ireland." He, of course, alluded to me in my character as a commissioner of Inquiry into the fees in courts of justice in Ireland. Now, proud as I should feel of being distinguished by the confidence of that hon. member, I must disclaim it on the present occasion, and say that he and I, as a commissioner of Inquiry, know nothing which you, Sir, and every member of this House may not become acquainted with, by taking the trouble of looking at the Reports which my former colleagues (for I have ceased to be a commissioner) have, from time to time, laid on the table of this House; but I feel it due to the high personages whose conduct has been submitted to investigation before that Board to state, that nothing there transpired to excite a suspicion that justice was not fairly and impartially administered in Ireland. I do not mean that we found nothing to complain of; that in the lapse of time there had not been a growth of fees and charges, which operated, if I may so express it, as pebbles to obstruct the free flow of justice; but certainly nothing to pollute or pervert it. I thought, Sir, that from the knowledge which that hon. member had acquired of my conduct, in common with that of my colleagues, in the discharge of our duties, I might have appealed to him to tell those hon. members who surround him, to whom I am a stranger, but with whom he is so justly influential, that the insinuation thrown out on a recent occasion by the learned member for Winchelsea, was unfounded. I mean the insinuation, that when I marked my disapprobation, not only of the manner in which that learned member introduced the name of Mr. Baron M'Clelland, but my total disbelief of the facts then stated, I was actuated by the mean motive of commending myself to that absent judge. I thought the hon. member for Limerick might have told him, that when the conduct of a judge became legitimately the subject of inquiry, no consideration of station or friendship restrained me from the full and faithful discharge of a distressing duty; but since he may not do it, I now fling back indignantly that insinuation

on the learned member who has attempted to affix it on me, and I tell him, that I am alike incapable of the meanness that would lead me to fawn on and flatter the great, and of that not less despicable meanness which courts a vulgar, and now-a-days easily attainable, popularity, by the constant and indiscriminate abuse of all that is high, and venerable, and respectable in the land.

Sir, there is but one more topic on which I have to trouble you. The learned member for Winchelsea has treated my assertion that the courts of Ireland are open alike for the rich and poor, as if I had thereby intended to maintain, that the poor man had not in that country as in England, and in every other place, greater difficulties to encounter than the rich. Unluckily it is not for the first time I have heard the comparison with which the learned gentleman favoured us on a former night, of our courts to the London Tavern; but what I assert is, that that comparison does not apply in a stronger degree in Ireland than in England, to which the observation was originally applied. The hon. member for Limerick, and many who have spoken at his side of the House, have told us, that the imputations on the administration of justice, though made in such general terms, were not intended to apply to the judges of the superior courts. Sir, I candidly confess, I think that originally they were intended to apply to and include them. I think so from looking at the language of the petition itself, which was originally presented from the Catholic Association. I think so from recollecting the expressions made use of by the learned member, when he presented the petition. I think, too, it is obvious, from the manner in which praise has been invidiously bestowed on some of the judges, that imputation is intended, though not expressed, for others of them. The hon. member for Limerick has pointedly confined his praise to one out of three courts of law, with an expressed protestation that he had rather not look into the others. Sir, I admire the beautiful, polished, and eloquent language in which the hon. and learned member for Knaresborough has panegyrized the lord-chief-justice of Ireland; but though there is no ear to which his praises are at all times and in all places more agreeable than to mine, I must confess I think they were most unnecessarily introduced into this debate—that they were as uncalled for, as they are undoubtedly well merited; and that he drawn out and encircled with this blaze of praise, merely for the purpose of throwing a shade on all who are behind, and who surround him. For my part, the panegyrics which have been lately lavished on that individual remind me of the happy application which I have recently read in a dedication of the well-known answer of the Spartan to the Rhetorician who proposed to pronounce an eulogium on Hercules—"On Hercules!" exclaimed the honest Spartan, "who ever thought of blaming Hercules?" So, Sir, it is, that the concurrence of public opinion, not the less valuable because in Ireland concurrence on any subject is rare, leaves to the panegyriser of the lord-chief-justice a very superfluous task [cheers].

Mr. *Spring Rice* declared, that he never meant to impute to the learned member any thing like being actuated by personal feeling. All he contended for was, that the magistrates of Ireland were not fit to be intrusted with the new and inordinate powers vested in them by the present bill; and, to sustain that proposition, it was not necessary to discuss the question, how far justice could or could not be done in that country between Protestant and Catholic.

Mr. *Baring* feared, in the present state of party feeling in Ireland, that the pure and impartial administration of justice in that country was impossible; and that, although he believed more honest, more able, more upright, more honorable men never presided over the administration of justice in any country than those intrusted with it in Ireland, yet it was, in his opinion, quite impossible, while such excitement and irritation continued to exist, to restore to it that confidence which prejudice, founded on such a state of things naturally produced. He would refer to two instances of recent date to show that even in this country, where popular excitement was comparatively rare and innoxious, to prove that a cool and just decision could not be expected under such circumstance: these were the coroner's inquests which followed the transactions at Manchester in 1819, and the deaths of Honey and Francis at the funeral of the late Queen in 1821, in neither of which cases did a satisfactory result ensue—a consequence solely attributable to the state of party feeling which prevailed among the lower classes of society. In Ireland, cases of recent notoriety might be cited if

necessary, in support of his argument; he alluded to the trials which followed the riots in the Dublin theatre. There was, in fact, from the top to the bottom of society in that country, a degree of irritation which mixed itself up with every possible question, and rendered it impossible, he feared, to arrive at impartial justice. So fixed were his opinions on that subject, that were he an inhabitant of Ireland he should infinitely prefer a despotic government, one in which the judges alone should have the power to decide upon his case, to that constitutional form so favorable to the liberty of the subject, in which the aid of the people themselves was called in. Year after year he had witnessed the introduction into that House of measures intended to operate as expedients only; but not one which, in his opinion, was calculated to strike at the root of the evil. There was one question on which, above all others, the tranquillity of Ireland depended; yet, upon that subject, ministers felt themselves justified in withholding their advice from their sovereign. He could not conceive how those noble and right hon. individuals could reconcile such conduct with their oaths as privy-councillors. With reference to the particular subject under discussion, he complained that, while the attention of ministers was directed to what could only be termed a symptom of disease, they forbore from introducing an obvious specific against the disease itself. Looking to the state of Ireland, and admitting, for the sake of argument, that emancipation would be merely an experiment—even a daring experiment—it would be worth while to try it. They saw the Catholics and Protestants of Canada going on in the most amicable manner, even lending each other their respective chapels; and they had similar instances in various parts of the globe. These were sufficiently encouraging for them to make the attempt. He could not conceive, while he was told that the measure before the House ought to be viewed only as a palliative, and one too which depended for its effect upon the people themselves, that such admission ought to be received as a reason for passing the bill. He, for one, felt himself bound to withhold his assent from it.

Mr. *W. Courtenay* said, he had for thirteen years constantly supported the claims of the Roman Catholics; feeling, as he had always done, a conviction that the acquiescence in the prayer of that body for relief, was eminently calculated to tranquillise Ireland, and consolidate the empire. In the course of the debate it had been assumed, that support of the present bill could only arise from an indisposition to grant Catholic emancipation. He begged most distinctly to be understood as supporting the measure on no such grounds. He conceived that the bill was called for on a broader principle; not so much founded upon what had been done by the Catholic Association, as a conviction that the existence of any such Association was incompatible with the well-being of society at large. One immediate consequence of suffering the Catholic Association to exist, would be, the creation of opposite confederations; thus enlisting the whole population in hostility against each other—a state of things quite incompatible with public tranquillity. But, while he was supporting the measure before the House, he begged leave to declare that he was as much opposed to Orange as he was to Catholic Associations. Much had been said in that House respecting another Association, with which he begged to observe, he had never had any thing to do; but at the same time he must declare that he thought it neither fair nor just that abuse, such as he had heard uttered, should be directed against a body, composing so many honourable individuals as did the Association to which he referred. A great deal of discussion had taken place on the question whether justice had or had not been impartially administered in Ireland? Now, in his opinion, the main question was, whether the impartial administration of justice in that country was likely to be promoted or retarded by the measure before the House? Was it, he would ask, consistent with the spirit of the constitution, that persons acting in a magisterial capacity should be members of this Association? Did it tend to the due administration of justice, that persons so situated should belong to a society, their very connection with which incapacitated them from the impartial exercise of their magisterial functions? The answer must be obvious. The hon. member for Limerick had observed, that the present measure was in the nature of a penal enactment, and that it provided for no infraction of any existing law: but he (Mr. C.) would contend, that if the letter of the law had not been invaded by the Catholic Associa-

tion, its spirit had. He did not say this from any feeling of hostility to the general question of Catholic emancipation: he was, on the contrary, most favourably disposed towards that question; but he could not help thinking, that the greatest enemy to that question was the Catholic Association. The cause of emancipation had far higher grounds to rest upon, than those which were put forward by that body; and he could not but express his decided conviction, that the safety of that cause would be compromised by the existence of such an Association. Another of the arguments of the hon. member for Limerick was, that the administration of justice in Ireland was not perfectly pure, and that the Association had done much good in correcting its impurities. Now, he would, in the first place, deny that justice was improperly administered in Ireland; and secondly, he would say, that, admitting that to be the fact, the Association had taken a very questionable mode of remedying the evil. For what did that body do? They furnished the means of conducting prosecutions to those who were unable to provide it themselves. They thus encouraged a spirit of litigation, a spirit to which the lower orders of the Irish were already unfortunately too prone, and they cast an imputation on the law, of which it was undeserving. There was one observation of the hon. member, however, which he thought not undeserving of attention. It was that which referred to a certain clause which provided for the suppression of such assemblies as were contemplated by the bill, by the authority, and upon the responsibility, of a single magistrate. To this clause he had a strong objection: but he was happy to learn, since he had come into the House that evening, that his right hon. friend had abandoned it.

Mr. *Sykes* said, he objected to the bill, because it was providing a remedy for evils which had been already guarded against by the existing laws. If the Association met for the purposes imputed to it by the supporters of this measure, it could be put down by the law as it stood. If it interfered with the decision of juries, there were enactments already in force to remedy that evil. Money collected in churches or taverns, for purposes not legal, might be punished by the common law. Why proceed to enact a new law, when those which existed were sufficient? The history of Ireland was a history of penal enactments. Under these circumstances he could not conscientiously support a bill, which he thought most objectionable in principle.

Sir *J. Newport* said, he could not allow that opportunity to pass, without saying a few words at the present stage of the bill. It was, he maintained, an oppressive measure, introduced to put down by force an Association which had necessarily grown out of the system so long pursued towards Ireland. He denied that this Association had the effect of interfering with the regular course of justice. The aid they afforded to the peasantry to obtain justice for acts of oppression, was by no means unnecessary; for though there might be a few instances where the poor peasant obtained justice, there were thousands of cases in which innumerable difficulties were thrown in his way in endeavouring to procure it. It had been proved before a committee up stairs, that magistrates were in the habit of receiving presents in kind from those to whom they administered justice. The witness who gave that evidence explained his meaning of "presents in kind," by saying, that the magistrate who dealt out justice to the poor farmers had his corn reaped, his turf cut and drawn home, and other acts of service done by those poor individuals. Was this a system consistent with the due administration of justice? But he would not confine himself to this. He had the authority of no less a personage than lord Redesdale, who had the best opportunities of knowing the state of Ireland, that there was in that country, "one law for the rich and another for the poor, and both equally bad." With respect to the effects which the passing of the present bill might produce in Ireland, he could assure the House that they were anticipated with no slight degree of alarm, by those who were best acquainted with the real state of that country. He held in his hand a letter from a most respectable individual, a Protestant, residing in one of the most populous, and most disturbed districts in Ireland. The letter stated, that the papers announcing the first night's division on the present question had arrived in that country, and had produced in the minds of the people the most intense anxiety. He added an expression of his own great surprise, how any man who really knew the state of the country could vote to put down an Association, which

had done so much to restore tranquillity in Ireland, and had been so much adored by the great mass of the people. Every peasant, he added, contributed his mite towards the rent, with the utmost alacrity. The writer of the letter concluded by expressing the most serious apprehensions as to what might be the effects of the passing of this bill. He would not name the author of this letter, but if he were to do so, every one who heard it would at once admit his high respectability, and the means which he possessed of knowing the real state of public feeling in that country. The right hon. baronet concluded by expressing his decided disapproval of the measure, the severity of which, he was happy to perceive, had been moderated, in consequence of the exertions of his hon. friend, the member for Limerick.

Mr. *Goulburn* said, he could not allow this last opportunity to pass without making a few remarks in reply to some of the objections which had been urged against the bill for the first time that evening. It had been asserted, that this was partial legislation, and that the government had made no attempt to put down associations of a different description. He denied the fact; and he appealed to the Statute-book for proof, that the House had legislated to put down other societies. Did hon. members forget the act passed in the year 1823, to put down associations of a particular description, by which Orange societies, though not mentioned by name, were particularly aimed at? The right hon. baronet had said, that there was one law for the rich and another for the poor in Ireland. If that was meant to convey to the House, that there was in that country a denial of justice to the poor man, he begged to deny the fact; but, if it meant only, that great inconvenience was felt by a poor man in prosecuting a suit at law, it was no more than was felt in this country, and was incidental to the condition of the poor in every state. With respect to magistrates, he could assert, and he defied contradiction, that there was no such thing as a disposition among them to take bribes for the administration of justice to the poor. There might have been cases of injustice and oppression on the part of the magistrates; but, whenever a case of the kind came fully before government, there was no indisposition to exercise the authority with which they were invested, of removing such persons from the commission. In cases which affected the conduct of magistrates, and which became the subject of judicial inquiry, it was the constant practice of the lord chancellor to inquire into the merits of the case, by taking the report of the learned judge who tried it, and to act by his opinion. This was done in the case of "Lawrence and Dempster."—The right hon. gentleman then went on to contend for the necessity of such a measure as the present, to put down an Association having a very dangerous tendency, and against which the existing laws afforded no sufficient protection. It had been said, that the giving the power to a single magistrate to enforce this act in particular instances was without precedent; but, did honourable members recollect, that the convention act gave power, not only to a single magistrate, but even to a peace-officer, to prevent or stop a meeeting held contrary to the clauses of that act? In the present act no such power was given, except to a magistrate. Yet even on this point he was ready to attend to the suggestions which had been thrown out, and to make the presence of more than one magistrate necessary in certain cases; and he assured honourable members opposite, that from the first he was prepared to give his most patient attention to every suggestion by which the severity of this act might be mitigated as much as possible, without destroying its effect. He then proceeded to show that the statement made by the learned member for Winchelsea, regarding the conduct of baron M'Clelland on one of the recent trials in Ireland, was utterly without foundation. The learned member had stated, that the acquittal of the soldier was attributable to the interference of the learned judge in preventing one of the witnesses giving an answer to the question, why he had omitted to state at the coroner's inquest that which he was then stating to the court. Since that statement had been made, he had received one communication from the learned judge whose conduct was impeached by it, and another from two of the counsel employed for the prosecution. Now, on the authority of the counsel, he could inform the House, that no such question had been proposed to the witness as was stated to have been objected to; and, on the authority of the learned judge, that he had not put any stop to such investigation. The right hon. Secretary here read baron M'Clelland's letter to the

effect we have stated; and then added, that he had the satisfaction of announcing to the House, that he had recently become acquainted with another proof of the soldier's innocence. The learned judge had summed up the evidence on this indictment with so much minuteness, that, in the course of it, the counsel for the prosecution had said to a gentleman, who sat next him, "I wonder why the judge should give himself the trouble of charging on a case, upon which there has been the necessity of a clear acquittal from the beginning." The learned gentleman had also made, upon what authority he knew not, another charge against the learned judge.

Mr. *Brougham*.—I made the charge on the authority of one of the counsel engaged in the prosecution.

Mr. *Goulburn*.—The learned gentleman had said, that the learned judge had not only forborne to defer a trial, the name of which was not mentioned, till the counsel engaged in it was sent for from another court, but had also refused to read over to him the evidence of the witnesses who had been examined previously to his coming into it. The right hon. gentleman here read a letter from the learned baron, stating, that as the name of the case had not been mentioned, he could not meet the charge made against him with as positive a denial as he had done the former charge, but adding, that he had no recollection of such a circumstance having occurred on the circuit, and that he believed no such circumstance had occurred, as it was in direct contravention to the conduct which he had long been in the habit of pursuing towards the bar. After such a statement, he did not suppose that any one would again impute to the learned baron the glaring and criminal misconduct which had been attributed to him by the learned gentleman. He was sure the learned gentleman would be the first to regret that he had been led by false information to employ the weight of his great eloquence in bringing such unfounded accusations against a judicial character; and he trusted that it would teach him to abstain from depicting him in future as a person who was half a tiger and half another animal, which the learned gentleman had named, though the word had not reached his ears. Such language was scarcely defensible when used towards an individual convicted of crime, but was quite unwarrantable when used towards an individual of the learned baron's high station and character. He was sure those that knew him would agree with him when he stated, that no individual discharged his functions more impartially, or oftener interfered to prevent the recurrence of the violent party disputes which so frequently came before the tribunals of Ireland.

Mr. *Denman* said, he had waited with impatience for some explanation of the learned baron's conduct in the two cases which had been brought before the notice of the House; and now that the explanation had been given, he must observe that to him it appeared to be any thing but satisfactory. The learned baron had met the first charge with a positive denial. This was no more than might naturally be expected from a person in his situation. A learned counsel had, however, pledged his professional character to the truth of the charge; and he could not see any reason why the judge was to be credited merely because he was on the bench, or why the barrister should be disbelieved merely because he was below it. If a man were to be considered innocent merely because he denied the accusation brought against him, why should not the Catholic Association have the benefit of the same doctrine? It had certainly every claim upon their indulgence: it had challenged inquiry into its conduct: it had offered evidence of its proceedings: that evidence had been rejected, and its guilt had been taken for granted, not only without producing any facts to establish it, but after shutting out from the public view every document, except those miserable statements, which were now poured in from every quarter to blacken the conduct and objects of the Catholic Association. Gentlemen on the other side had told them that they ought not to attack the absent. He wished they would follow the advice they gave, and before they poured out the vials of their wrath on the Catholic Association, would recollect that they had driven its members from their bar, and had not allowed them to refute the charges they had produced against them. It was, however, quite ridiculous to talk of not attacking the absent, when it was of chancellors and of judges that they had to speak. Those persons could not hold seats in that House; but it was the duty of those who did hold them to remark, and to remark by name, on their conduct if it were objectionable.

Now, when he found the learned lord who filled the office of chancellor acting as the head of administration, and putting language into the mouth of his colleagues which filled the country with astonishment, he should not be deterred by any invidious sarcasms from declaring his opinion of that learned lord's political proceedings. They were told that the learned lord, if his colleagues would not adopt his language, intended to resign. When gentlemen on his side of the House intimated their doubts as to that point, they were told immediately, "It must be so, for the learned lord is a man of honour and integrity." And yet the men who told them so, were themselves men of honour and integrity, who agreed to adopt language as their own which they disapproved, rather than resign the good things of office. [cheers and laughter.] The hon. and learned member then proceeded to argue against the bill, as one that was calculated to excite lasting discontent in Ireland. Ireland had not yet been twenty-four hours under water, as a gallant officer had once suggested as a cure for her complaints; and while she continued above water, her feelings must be agitated and exasperated by the manner in which the Catholic question had always been treated by the cabinet and parliament of England. The question was not a new one. It had been now nearly thirty years before the public: their feelings during that period had been strongly excited; and the Attorney-general for Ireland had admitted its importance so strongly, as to assert, that one hour was too much to be lost in conceding to the prayer of that petition. He would call upon their friends in the government, as well as out of it, to exert themselves on the approaching discussion. If they failed, there still remained one course to be adopted. Let them retire from office, and they would enjoy not only the satisfaction of an approving conscience, but the approbation of all mankind.

Colonel *Forde* said:—Sir, as a country gentleman, and not as a lawyer, I rise to give my testimony to the high character which baron M'Clelland so deservedly bears in Ireland. I have seen him in the county which I have the honour to represent, administering justice most impartially, in those very trials which have been denominated party trials; and I have heard him utter sentiments in reprobation of the spirit of party, which redounded highly to his honour. On the whole, Sir, I do not believe that a more conscientious or upright judge is to be found in either country. With respect to the question immediately before the House, I feel that unless the Association be put down, the peace of Ireland cannot be preserved. This opinion is that also of nine out of ten even of the Protestants who are favourable to the Catholic claims—I shall Sir, have great pleasure in giving my vote in favour of the third reading of this bill.

Mr. *Hutchinson* rose, amid loud calls for the question. He expressed a hope that the House would not disgrace itself by an attempt to cry down such members as dared be honest in the worst of times. He stood there to exercise his right as a member of parliament, and they should hear whatever it was his pleasure to submit to the House. [Calls of Question]. By the course they were now pursuing, they would only compel him to remain ten times longer on his legs than he intended. He had listened with much attention to the arguments adduced on the other side, and could conscientiously declare, that he had not heard one which ought to induce the House to vote for the odious and abominable measure before them. The Speech from the throne acknowleged that at present all was peaceable. Even the priests, that much-abused-body, were now selected for eulogium, and as having mainly contributed to the tranquillity of that country. And yet that moment of peace and harmony was selected as a proper period for the renewal of the Convention bill of 1793. The hon. member then proceeded, amidst much confusion, to reiterate his opposition to this measure, which he considered full of mockery and insult. He trusted that, if it were carried into a law in that House, the Catholics would not only petition the House of Lords to throw it out, but in case it passed there, would petition the Throne to withhold from it the royal assent. The measure was a mockery—an insult to the Irish people. It had been said, that the Rent was torn from the people; that he would contradict flatly. He could assure the right hon. gentleman and his colleagues, that they were undertaking the most awful responsibility. If they looked to history, they would find, that, though governments might succeed in suppressing the spirit of the people for a short period, they were unable to extinguish it altogether, or to

avert the natural consequence of mal-administration from breaking out at last. He called upon them to take warning by those events which had, within a short period, convulsed almost every state in Europe. He wished that any measure of conciliation should proceed from the government itself rather than from any other quarter, because it would have the effect of making the population at once grateful and contented. He implored ministers to pause before they passed this bill. He besought them to assemble again in cabinet council, and consider whether it would not be both just and politic to abandon it altogether. It was said that it was sanctioned by lord Wellesley; but he could never imagine his lordship to be possessed of such littleness of mind as to advocate a measure fraught with injustice, and calculated to create disturbance throughout the whole country. They had been told that it was the intention of ministers to augment the army to the amount of 15,000 men. He wished to ask where the necessity existed for such an augmentation? He could not help feeling that it looked somewhat suspicious to make such an addition to our military force at the present period. It was stated, that only 5,000 men were required to be added to our force in India; if so, he begged to ask what was to be done with the other 10,000 men. In many of the measures adopted by ministers, but particularly in the recognition of the independence of South America, he fully agreed; but he should like to ask, if they apprehended danger from abroad, whether it was politic, at such a moment, to enforce a measure which would offend and irritate seven millions of their fellow-subjects?

Mr. Secretary *Peel* assured the House, that he would detain them but for a very short period indeed, if they would bear with him for that time. He was anxious to set himself right in some points, wherein what he had stated on a former evening was more or less directly concerned. In the first place, he entirely acquitted the hon. gentleman who spoke last, of any intention to intimidate him personally on a former night; and when the hon. gentleman threatened to bring all the members, almost, on his side of the House to the block, he never supposed for a moment that the hon. gentleman meant any thing more than to speak of them in a general way, in their capacity of ministers. But, most undoubtedly, in whatever way the threat was meant, it would never have the effect of making him swerve from that which he might conceive to be his line of public duty. It was impossible that he should disregard an appeal which had been made to him also, by the hon. member for Taunton; for he had the highest respect for that hon. gentleman, who had raised himself to high rank and influence, solely by his own great exertions, his talents, and his integrity. But, the hon. member would pardon him for saying, that as, in a very few days, the Catholic question must, in some shape or other, be forced upon the attention of parliament, he should decline for the present, being tempted into any discussion on that measure, on the army estimates, or on any other of the questions to which the hon. gentleman's speech had related. —Here the right hon. gentleman adverted to the consistency of his opposition to the Catholic claims; but, he had throughout acted upon his own impressions merely, and not in deference to public feelings, but to his own opinion. He had before opposed this question, and the most mature reflection and consideration had convinced him that he had acted right in so doing. A right hon. gentleman (Mr. Tierney) had talked much of the administration of the marquis of Wellesley, and had appealed to him (Mr. Peel), as to what he thought of the position of affairs, when, as the right hon. gentleman had described it, the vessel of state was upon the breakers. In answer to the right hon. gentleman, he wished to observe, that he had heard his statement with regret. The period to which he referred was 1821; true it was, that he was chief-secretary in 1818, but he had been at the former period three years out of office. It was his wish to quit Ireland in 1817, but he had been prevailed upon to hold his appointment a year longer. When he did quit it, he had the satisfaction of knowing that Ireland was tranquil, and that there existed at that time no Catholic Association. At the same time he felt bound, in justice to others, to state, that no one individual could be responsible for the tranquillity of Ireland. The disturbances which took place in Ireland at that period were to be attributed to the revolution which was caused by a transition from war to peace. They all knew that the effects of that transition were deeply felt here; but they were felt in a ten-fold greater degree in Ireland. It was not his

wish to enter much further into the discussion at present, but he hoped the House would allow him to say a few words in his own vindication, in answer to what had been stated on a former evening by the learned member for Winchelsea. In doing this, he was anxious to avoid all cause of irritation. He wished to confine himself solely to establish facts, throwing overboard every matter which might be considered in the slightest possible degree questionable. He had stated on a former evening, that some of the acts of the Catholic Association were equivocal; and that one particular act rendered that body liable to a charge of indiscretion. The act which he alluded to, was the Address of that body to Mr. Hamilton Rowan; an address which was calculated to excite suspicion and alarm in the minds of the constituted authorities of that country. This was his impression when he made the observations which had been so ably commented on by the learned member for Winchelsea; and he begged to assure that learned gentleman, that he had heard his speech upon that occasion with no other feeling than that of admiration; and, if he had found his position untenable, he would have at once abandoned it. But, when he found that his post was tenable, he was sure the learned gentleman would be the first to agree with him in thinking that he ought not to make an inglorious surrender. He must re-assert, that the Catholic Association had, by their address to Mr. Hamilton Rowan committed an equivocal act—an act which was calculated to create alarm and suspicion, both in the minds of the public and the government. He would at once give the strongest proof of this assertion, by reading to the House the Letter addressed to Mr. Hamilton Rowan by the Secretary of the Catholic Association. The right hon. Secretary proceeded to read extracts from the letter: it stated, that the Catholic Association were unable to express their admiration of the honest and patriotic efforts of that gentleman; they designated him as a man who had devoted his life to the service of his country, and who now received his sweetest reward in the approbation of his countrymen. He said at the time, and he now repeated it, that this address brought Mr. Hamilton Rowan before the country, as a public character, and that he was, therefore, liable to observations upon his conduct and character. The learned member for Winchelsea had described Mr. Hamilton Rowan as a good father, a good landlord, and an amiable man in all the relations of private life. Did he deny this? He did not. He was as ready as any man to admit what the learned gentleman had stated as to the private qualities of Mr. Rowan; but, in speaking of him there, he spoke only of his public character; and he grounded his observations upon documents to which reference might be had at any moment. He had read the report of the secret committee in 1794, in which it was stated, that Mr. Hamilton Rowan was in communication and intercourse with an emissary of France, and that he had subsequently been attainted of high treason. The learned gentleman appeared, however, to be of opinion, that that attainder would not have passed, had Mr. Rowan been heard against his accusers. He went further, and stated that Mr. Rowan had been received with courtesy by the Irish government, and more particularly by lord Manners, whom the learned gentleman had been pleased to designate as the very pink of loyalty. It was true that Mr. Rowan had been so attainted without having been tried; but would the learned gentleman take the trouble of recollecting the trial of Mr. Jackson, and the facts which were established upon that occasion. Was Mr. Rowan never called upon to answer for his conduct? and had the House no documents to go upon with respect to his conduct? Had they not an account of his trial, and of his sentence of imprisonment for two years? Had they not an account of his escape from imprisonment when he fled to France? Had they not also the address published by the Society of United Irishmen to the Volunteers of Ireland? Of that society, Mr. Drennan was chairman, and Mr. Hamilton Rowan was Secretary. They must remember too, that this address was published at the period of the French Revolution, when the National Convention was sitting, and when disorder and disunion prevailed in that country. What was the language put forth by Mr. Hamilton Rowan, as Secretary to the United Irishmen, on that occasion? The address commenced as follows:—"Citizen Soldiers, you first took up arms to protect your country from foreign enemies, and from domestic disturbance; for the same purposes it now becomes necessary that you should resume them." The

address went on to say, "Citizen Soldiers, to arms, take up the shield of freedom, and the pledges of peace—peace, the motive of your virtuous institution. War, an occasional duty, ought never to be made an occupation; every man should become a soldier in the defence of his rights: no man ought to continue a soldier for defending the rights of others; the sacrifice of life in the service of our country is a duty much too honourable to be intrusted to mercenaries, and at this time, when your country has, by public authority, been declared in danger, we conjure you, by your interest, your duty, and your glory, to stand to your arms, and in spite of a police, in spite of a fencible militia, in virtue of two proclamations, to maintain good order in your vicinage, and tranquillity in Ireland." The learned Judge, in passing sentence upon Mr. Rowan, made use of the following observation, which he begged to read to the House—"At this period, 1794, and it is upon the records of parliament, the great body of the Roman Catholics were seeking relief; they presented dutiful addresses, stating they were anxious to be liberated from restraints they laboured under: but you addressed them to take up arms, and by force to obtain their measures. They were palpably to be made a dupe to your designs, because you say you will proceed to the accomplishment of your beloved principles, Universal Emancipation and Representative Legislature. Seduction, calumny, and terror are the means by which you intend to effect them. The volunteers are become instruments in your hands, and despairing to seduce the army, you calumniate them with the opprobrius epithet of mercenaries. You say seduction made them soldiers, but nature made them men. You called upon the people to arm—all are summoned to arms, to introduce a wild system of anarchy, such as now involves France in the horrors of a civil war, and deluges the country with blood." The learned judge went on to state—"It is happy for you, and those who were to have been your instruments, that they did not obey you. It is happy for you that this insidious summons to arms was not observed; if it had been, and the people with force of arms had attempted to make alterations in the constitution of this country, every man concerned would have been guilty of high treason [hear, hear!]."—Having given the learned member full credit for all he had said of the private character of Mr. Rowan, he must again repeat, that in speaking of that gentleman, he only spoke of him in his public capacity, and he could not help adding, that the address of the Catholic Association to him was calculated to excite suspicion and alarm. The learned gentleman had stated, that Mr. Rowan had been received in public and private society in the warmest and most cordial manner. He did not mean to contradict this, but he would refer the House to Mr. Hamilton Rowan's own statement, after having received his free pardon, in the course of which he mentions, that during his absence his wife and children had been most kindly attended to by my lord Clare, who had been been described by the learned gentleman as one of his greatest enemies. But, perhaps it would be best to quote the words of Mr. Rowan himself, when he pleaded his pardon before the Court. He said—"When last I had the honour of appearing before this tribunal, I told your lordships I knew his majesty only by his wielding the force of the country; since that period, during my legal incapacity and absence beyond seas, my wife and children have not only been unmolested, but protected; and, in addition to those favours, I am now indebted to the royal mercy for my life. I will neither, my lords, insist upon the rectitude of my intentions, nor the extent of my gratitude, lest my conduct should be attributed to base and unworthy motives; but I hope my future life will evince the sincerity of those feelings with which I am impressed by such unmerited proofs of his majesty's beneficence."* It had been charged against him (Mr. Peel), that he had unfairly suppressed the fact of Mr. Rowan's having been received into public and private society: and the hon. and learned member said, "You, Sir, a member of the Irish government, you, a gentleman residing in Ireland, ought to have known the situation in which Mr. Rowan moved in that country; and," continued the learned gentleman, "you ought as a member of that government, to know that Mr. Rowan had been a magistrate upon his return—you ought to know that he had been received at the Castle, as well by the prejudiced as the liberal lords lieutenants in Ireland. He

* See Howell's State Trials Vol. xxii, p. 1190.

had been received both by my lord Manners and Mr. Saurin; and they having found no fault, how dare you make an appeal against the beloved name of an individual whom the government of Ireland have placed in the respectable and important situation of a magistrate of the country?" [hear, hear!] The learned gentleman made this statement with a confidence which was most imposing; at the same time, he (Mr. Peel) was fully convinced, that any error on the part of that learned gentleman, was quite unintentional. For himself he gave such credence to the statement of the learned gentleman that he was fully convinced Mr. Rowan was in the commission of the peace. So strongly, indeed, had he been impressed with the idea from the statement made, that he could not venture upon his own authority to contradict it. He therefore applied to the Hanaper Office in Ireland, and the answer was, that after the most minute search, it was found that no such person as Mr. Hamilton Rowan had been admitted to the commission of the peace for any county in Ireland for the last twenty years [loud cheers from the Ministerial benches]. He begged to assure the House, that in making this statement, he entertained no angry feeling towards the learned gentleman, but he would appeal not only to the House, but to the learned gentleman himself, whether he had not by this simple statement, dashed from his hand that poisoned chalice which the learned member had commended to his lips.

Mr. *Brougham* hoped the House would excuse him, even at that late hour, if he offered a few observations upon what had fallen from the right hon. Secretary. The right hon. gentleman commenced his speech in the most open and candid manner. He appealed to him and to the House with the utmost simplicity—nay, he even quoted his (Mr. B's) speech on a former night, with as much candour and strictness as his recollection of it could enable him to do—and he repeated the terms "rash, indiscreet, equivocal," as applied to the conduct of the Catholic Association, in such a manner, that if no gentleman in that House had heard his (Mr. B's) speech, the right hon. gentleman's statement would have perfectly answered his object. But in his (Mr. B's) recollection rested an impression of words of a very different nature from those now used by the right hon. Secretary—words, too, which made a strong and powerful impression upon the House at the time, but, so different from the mild and softened tone, the appearance of good feeling, with which the right hon. gentleman had addressed the House that night, that he, if questioned, should say no one thing was less like another, than was his present to his former speech [hear, hear]. Would they, asked the right hon. gentleman, defend the Catholic Association after having been informed that they presented an address to a man, who was known to be an attainted traitor. These were the right hon. gentleman's words; and he appealed to that impartial, calm, and judging portion of the House—to those men who sat neither here nor there with party, but who acted upon their own impulses and their own feelings: he appealed to the feelings of the House—he appealed to the feelings of humanity; and begged them to consider what must be the feelings of Mr. Hamilton Rowan, and his friends, upon hearing the right hon. gentleman's statement? What must be the feelings of that gallant officer, captain Hamilton (his son), who had greatly distinguished himself in that service, to fill the lowest official rank in which, was gallant and chivalrous? What, he asked, must be the feelings of that gentleman, when he heard his father publicly denounced as an attainted traitor? [Cheers from the Opposition benches]. Those were the words which had roused his (Mr. B's) feelings, and which, perhaps, had roused them to excess.—He would now proceed in his answer to the right hon. gentleman's statements. Over many of the details of the case, of which he was comparatively ignorant, he would pass. But, there was not a word or a syllable which he had uttered on Friday last, that he was not prepared again to use. He had, on that occasion, defended Mr. Hamilton Rowan. From that defence he did not shrink. He had defended the Catholic Association for mentioning Mr. Hamilton Rowan with respect and affection. That defence he was about to repeat. Although a week's reflection had considerably altered the tone of the right hon. gentleman, yet, with that exception, no part of the harshness or injustice of his original charge against Mr. Rowan and the Catholic Association was diminished. From that grating charge he (Mr. B.) was about again to defend them both. It was admitted by the right hon. gentleman, that

Mr. Hamilton Rowan had not been tried for treason. It was admitted that he had been attainted without previous investigation. But then it seemed that a Mr. Jackson had been so tried, and the right hon. gentleman thought that Mr. Rowan was implicated in that trial. But that was not all. The right hon. gentleman said, that although the attainder was not the result of any trial of Mr. Rowan, yet that gentleman had nevertheless been tried. But, for what offence? For treason? For any offence which gave the right hon. gentleman a right to call him an attainted traitor? By no means. Attainted he certainly was; but the offence for which he was tried was a seditious libel. If the Catholic Association, however, had been wrong in putting an address into the hands of Mr. Hamilton Rowan, because in troublesome and uncertain times he had written something that was deemed a libel, they had since committed another indiscretion of a similar nature. That was not their last folly. Why did the right hon. gentleman stop? Why did he not declare that they were incorrigible? They first declare, that they revere the name of a person who was convicted of writing a seditious libel, in 1794, and, thirty years' experience not having made them wiser, they now confided their petition to that House to the care of an hon. baronet, who had been declared guilty of a libel, and sentenced to imprisonment on the banks of the river which washed their walls. Once for all, he (Mr. Brougham) said, that he should not have felt any difficulty in those times, situated as Ireland then was, as an Irishman, a patriot, and a lover of his country, to set his hand to such a libel as that with which Mr. Hamilton Rowan had been charged. It spoke of arming the people. That was in a country which had voted statues to Grattan. That was in a country in which the volunteers had been called the saviours of Ireland. What Hamilton Rowan declared was, that the people should arm to defend their country, which was in danger. If he meant that they were not to stop after they had driven back the external foe, but were to proceed to obtain civil liberty, that was only what had formerly been done with the sanction of the Irish parliament: that was only what the volunteers of Ireland had done: that was only what, if it had not been done, would have left Ireland to be degraded and enslaved, and perhaps at the present moment not to have formed a part of the empire. They were troublesome times in which Mr. Hamilton Rowan lived. They were times in which the wisest and best patriot might be exposed to danger. Not even that most revered person, whom no man on either side of the House could mention without respect—not even Mr. Grattan was safe. A consultation had been held in the Privy Council, on the propriety of trying Mr. Grattan; and there was reason to believe that Mr. Grattan's leaving his country to attend his duty elsewhere, saved him from much trouble on that occasion.—There were other charges, however, against the Catholic Association, and against Mr. Hamilton Rowan. In the first place, he would observe, that Mr. O' Gorman was not a member of the Catholic Association. But, he did not mean to state that in defence of the Association. They might have adopted Mr. O'Gorman's letter as their own. But, how did the right hon. gentleman close his remarks that evening? By reading the reversal of Mr. Hamilton Rowan's attainder, and the grateful expressions made use of by that gentleman, on the occasion, to his majesty. And yet, that man, so treated by his sovereign, so restored to his family and his country by a free pardon, was, for the purpose of pointing a sarcasm against other persons, of rounding a period, or of obtaining a cheer, to be branded as an attainted traitor! It seemed, according to the right hon. gentleman's own admission, that Mr. Hamilton Rowan was received in private as if no charge had ever been brought against him. His (Mr. B's.) statement was, that he had been so received in public. It was true he had asserted, that Mr. Rowan was in the commission of the peace. But he begged to inform the House, that of that alleged fact he knew no more than the right hon. gentleman knew, except from information which he had only received ten minutes before he rose on Friday, from persons connected with the sister kingdom. He had since seen the same persons, and had been told by them, that they had seen Mr. Rowan's signature to an address of the most unexceptionable character under a title which might have misled any one, namely, "The Address of the undersigned persons, being Magistrates and Grand Jurors of the county of Down." It was evident, therefore, that the mistake, if mistake it was, was very easily made. It must have

originated in Mr. Rowan's having signed the address in the capacity of a grand juror, not in that of a magistrate. Having received the information as he had received it, he was bound to communicate it to the House. So far was he from repenting of the statement, that he should have been ashamed of himself if he had not made it. But there were some other statements to make on this subject, which he had omitted when he last addressed the House on the subject. Whether Mr. Rowan was a magistrate or not, was only one circumstance. Let it be taken out of his (Mr. B's) defence, and that defence would still be impregnable. Mr. Rowan was restored to his family and country. Was not that enough? He received a free pardon: was that nothing? He regained all the rights and privileges of a citizen:—was that nothing? He was allowed to act as a grand juror—to pronounce on bills for high treason; was that nothing? He was received at the levees at the Castle: was that nothing? One lord-lieutenant after another treated him with courtesy and kindness. To show what was thought of him by one lord-lieutenant, he was authorized to read to the House a letter from his grace the duke of Bedford—a man not more disposed to be favourable to the propagation of high treason than the right hon. gentlemen opposite, although they assumed to be the only defenders of the altar and the throne. The right hon. gentleman opposite talked as if they were the only persons who had a stake in the country. He could not, however, help believing, that such men as the duke of Bedford had as deep a stake in the welfare and tranquillity of the country, if that was to be considered the test of loyalty, as any man on the opposite benches. The letter was as follows:—"One of the very first official acts of my administration in Ireland, was to recommend the Crown to pardon Mr. Hamilton Rowan. No one act of that short administration gave me more satisfaction; for a more honourable and respectable man never existed in Ireland." Be it known, then, to the world, that the charge against the Catholic Association is, that even supposing Mr. Hamilton Rowan was not a magistrate, they ventured to join their countrymen in speaking with respect and affection of a man, who was described by the duke of Bedford as one of the most honourable and respectable men that ever existed in Ireland.—He would go a step further. He would ask, who had a right to complain of Mr. Hamilton Rowan?—who had a right to charge the Association with having spoken of him with respect and affection?—who had a right to call him a traitor—when his Sovereign, who had pardoned him, had since smiled upon him? When the Sovereign, himself had received Mr. Hamilton Rowan at his levee, no man living could charge the Association with the slightest degree of indiscretion for manifesting their respect to him. He repeated his opinion that this gentleman had been ungenerously, unnecessarily attacked; and he envied not the feelings of those, who perhaps to round a period or at any rate to make an impression, could indulge in such a charge. He hoped to be permitted to say one word respecting Mr. Baron M'Clelland. He still believed the statements which he had made respecting that judge. He had them from a gentleman whom he knew, and who was counsel in one of the causes. One of his cases had been met by the right hon. gentleman with a specific denial, the other only with a general argumentative reply. Among other things the right hon. gentleman had charged him with using strong language in speaking of the cruelty and the other qualities of the learned judge. The words, however, were not his:

"Non meus hic sermo est, sed quæ præcepit Ofellus
Rusticus, abnormis sapiens, crassâque Minervâ."

The character of the learned judge to which he had alluded, was one drawn by an individual who had a much better knowledge of him than he could pretend to have. But other opportunities would soon be afforded for discussing this subject. A gentleman who had presented a petition to the House two years ago, complaining of Mr. Baron M'Clelland's conduct, was extremely anxious to be heard at the bar, in support of his charge, which was that of malversation. When that charge came to be heard would be time to determine on Mr. Baron M'Clelland's merits. All he would say at present was, that he saw no reason for retracting what he had said on a recent occasion.—As to the measure before the House, he deplored it as one of the greatest evils that could befall the empire. He denounced it as the harbinger of ill to Ireland; as shutting the door against conciliation in that country; as putting an end to the short reign of tranquillity which the Catholic Asso-

ciation had, by their efforts, established. His sentiments on the subject had been strengthened rather than weakened, since he last addressed the House on the subject. He now called upon them, for the last time, to pause before they committed what might prove an irreparable mischief. The measure was partial. It was directed, not against the Orangemen, but against the Catholics; and the Catholics only. He had hoped that if not the substance, at least they might have had the semblance, of even-handed justice. But, no such thing. The Catholics were prohibited from meeting as a public association; the Orangemen were permitted to do so [no, no!]. He repeated, that they were. The Orangemen, as well as the Catholics, were prevented from meeting in secret societies; but the Catholics alone were prevented from meeting in public. The bill prohibited meetings for the purpose of petitioning for the redress of grievances, or for any alteration in church or state. Now, who ever heard of Orangemen meeting for such a purpose? They were too happy to maintain the system as it stood. Alteration would be fatal to them. Their meetings would be only for the purpose of upholding the church and state in their present form. Under the mask of impartiality, therefore, the bill was a double-edged sword against the Catholics, but a single one against the Orangemen. The Orangemen might have a parliament; they might have every privilege which the Catholics now possessed, provided they did not seek for alteration; which alteration they did not want. There was only one hope which he still cherished. His last prayer to the House was: If you have determined on passing this act against the Catholics; if you have resolved to commit this grievous injury to Ireland; if you have made up your minds almost to shut the gates of mercy against that unhappy country, at least, on Tuesday next, recollect yourselves; and unless you are insensible to every feeling of humanity, unless you are deaf to the voice of justice, of policy, and of reason, you will retrace some of the steps which you are now madly taking, and give emancipation to the Catholics.

Mr. *Peel*, in explanation, denied that he had used any tone of peculiar harshness or vehemence. He now calmly re-asserted every expression that had fallen from him on last Friday. In the course of his observations on that evening, he had read a passage from the report of the secret committee, in which it was distinctly stated, that Mr. Rowan had been attainted. What would become of the freedom of debate, if such a proceeding were to be considered as justly censurable?

The House then divided: For the third reading 226. Against it, 96. Majority 130. The bill was then read a third time and passed.

List of the Minority.

Abercromby, hon. J.
Althorp, visc.
Becher, W. W.
Bective, lord
Benett, J.
Brougham, H.
Browne, Dom.
Burdett, sir F.
Bury, visc.
Byng, G.
Calcraft, J.
Calcraft, J. H.
Calvert, C.
Carew, R. S.
Caulfield, hon. H.
Cavendish, C. C.
Cavendish, lord G. A. H.
Cavendish, H.
Chaloner, R.
Clifton, lord
Colborne, N. W. R.
Cradock, S.
Creevey, T.
Davies, T. H.
Denman, T.
Dundas, hon. T.
Ebrington, visc.
Evans, W.
Fergusson, sir R.
Fitzgerald, right hon. M.
Folkestone, visc.
French, A.
Gaskell, B.
Glenorchy, visc.
Graham, S.
Grattan, J.
Guise, sir B. W.
Hamilton, lord A.
Heron, sir R.
Hill, lord A.
Hobhouse, J. C.
Hume, J.
Hutchinson, hon. C. H.
Johnson, W. A.
Kingsborough, lord
Knight, R.
Lamb, hon. G.
Lambton, J. G.
Leycester, R.
Lushington, S.
Maberly, J.
Maberly, W. L.
Macdonald, J.
Mackintosh, sir J.
Mahon, hon. S.
Marjoribanks, S.
Martin, R.
Martin, J.
Milton, visc.
Monck, J. B.
Moore, P.
Newport, sir J.
Normanby, visc.
Nugent, lord
O'Brien, sir E.
Ord, W.
Palmer, C. F.
Pares, T.
Parnell, sir H.
Philips, G., sen.
Philips, G. R. jun.
Power, R.
Poyntz, W. S.
Price, R.
Ramsden, J. C.
Robarts, A. W.
Robarts, G. J.
Robinson, sir G.
Scarlett, J.
Sefton, earl of
Smith, J.
Smith, G.
Smith, W.
Somerville, sir M.
Stuart, lord P. J.
Sykes, D.
Talbot, R. W.
Taylor, M. A.
Tierney, right hon. G.
Warre, J. A.
Webbe, E.
Whitbread, W. H.
White, S.
White, col.
Wilson, sir R.
Wood, M.
Wyvill, M.

TELLERS.

Duncannon, visc.
Rice, T. S.

PAIRED OFF.

Ponsonby, hon. F. C.
Rowley, sir W.
Wilkins, W.

HOUSE OF LORDS,

Monday, February 28.

SCOTCH JURIES BILL.] Lord *Melville* rose, pursuant to notice, to introduce a bill for better regulating the mode of choosing Juries in Scotland. It would be in the recollection of their lordships, that, on more than one occasion, when a bill for altering the present manner of choosing Scotch juries was formerly before the House, he had objected to it, on account of the complexity and inefficiency of the proposed remedy. The machinery of the bill brought from the Commons was very inconvenient; even more inconvenient than the one now in use. At that time, he had stated that he would, with the concurrence and assistance of persons in the northern parts of the united kingdom, well informed on the subject, undertake to prepare a bill, having the same object as that which had been rejected. That bill he had now the honour to tender to their lordships. As to the alterations, in the first place, their lordships were aware that at the union the law of high treason was assimilated throughout Great Britain; but, though the law on this subject was the same in Scotland as in England, it had been found difficult to render the mode of choosing the jury exactly alike. In England, assizes were held in each county; but in Scotland the circuits were held for districts, consisting generally of four counties. He therefore meant to propose, that, in cases of high treason, the lists of grand and petty jurors should be returned from districts, and not from counties. In the second place, it was to be recollected, in regard to ordinary trials, that the assize in Scotland was not at all regulated in the same manner as in England. The prisoner received a list of the names from which his jury was struck, fifteen days before trial; and he proposed, in addition to this, to make the mode of selecting the jury more conformable to the practice of this country. These were the general principles of the bill; and he had only to add, that he proposed to alter the present mode of choosing juries, which was left to the judge, and make them be chosen by ballot, leaving both to the prisoner and the prosecutor an equal right of challenge.

The bill was read the first time.

UNLAWFUL SOCIETIES IN IRELAND BILL—PETITIONS FOR AND AGAINST.] Numerous petitions were presented to the House, both for and against this bill.

The Earl of *Darnley* presented a petition from the parish of St. Catherine, Dublin, against the bill. He stated, that the petition expressed the sentiments of a very large proportion of his majesty's Roman Catholic subjects. He did not wish to be understood as standing up there in defence of every thing which had been said or done by the Association. Many things might be said in public assemblies for which it would be necessary rather to offer apology than defence. That, however, did not alter his opinion of the injustice and impolicy of the measure now before the House.

Lord *Holland* said, he had a petition to present against the bill. The petition contained some strong reasons against passing it. By some noble lords these reasons might not appear objections to the bill, but arguments for it. If the objections to the Catholic Association were, that it spoke the sentiments of the whole Irish nation; if it were an objection to that Association, that it endeavoured calmly but firmly to procure the redress of an intolerable grievance; then he was afraid that these petitions and these objections would only appear to some noble lords as arguments for the bill. These petitions, as expressing the common opinion and feeling of the country, were entitled to the serious consideration of the House. He trusted, therefore, that their lordships would give to them their most serious attention.

The Marquis of *Lansdown*, in rising to present some petitions of a similar nature, wished to state, that since he had presented the Protestant petition in favour of the Catholic claims, he had received letters from the marquis of Sligo and lord Ashtown, expressing a wish that their names should be affixed to that petition. It was too late for him to comply with the request, but, out of courtesy to these noble lords, he thought it due to them to state their intentions. The noble marquis said, he had several petitions to present, which gave him great satisfaction. From what he had heard of the bill, it would be both inefficient and unconstitutional.

Lord *Clifden* said, he had a number of petitions to present from Protestants as well as Catholics, against the bill. With respect to that measure, he did not think that much effect could be expected from it. It would be recollected, that about two

years ago they had passed a bill to suppress Orange societies; but instead of those Orange societies being put down by that bill, they flourished more than ever. The Orange societies had their secret meetings, and from the experience which had been obtained on this subject, their lordships might infer, that the Catholic societies, after the passing of the present bill, would also flourish more than ever. The nature of the measure proposed to be adopted might be judged of, from the satisfaction it gave to the natural enemies of this country. He had it from good authority, that the French were quite delighted at the idea of this bill passing. Such measures were not the means by which the peace of Ireland could be secured. He would put to every impartial man, whether there was any prospect of terminating the existing discontents except by conciliation—by opening the doors of parliament to the Roman Catholics. He could assure their lordships, that the great body of the Protestants of Munster and Ulster were desirous that the claims of their Catholic brethren should be granted. Many would wish such a measure to be accompanied by an alteration in the mode of voting for members of parliament, by raising the value of the franchise. On this question he was far from now giving any opinion.

The Bishop of *Bath and Wells* presented a petition in favour of the bill, from the archdeacon and clergy of the diocess of Bath and Wells. It intimated in one passage, that the Catholics had covered their designs with a cloak of loyalty, which they had now thrown off, and were proceeding to threaten.

Earl *Fitzwilliam* condemned the language which the petitioners used, on account of its impolicy as well as its illiberality and injustice. He must object to petitions from the clergy for the exclusion of others from constitutional privileges, as coming from an interested body. If a rich corporation petitioned for objects which were supposed to favour its interests, why might not the army be allowed to petition in the like manner? He condemned all penal laws for opinions; all attempts to control the consciences of men. Such conduct was flying in the face of heaven; and it was dreadful to think of the consequences which might follow from thus persisting in inflicting severe penalties on six millions of human beings. The only pretext for this manner of proceeding was a conscientious difference of opinion in men who acknowledged the same Saviour, and, in all its great principles, the same faith, as themselves.

The Bishop of *Bath and Wells* was surprised to hear what had fallen from the noble earl respecting the language of the petition. What had been stated, however, consisted altogether of general assertion, which he could only answer by a general negation. In his opinion, the sentiments contained in the petition reflected credit on those from whom it came. He was not aware of any improper language in it; if there was, the noble earl had not pointed it out. He could not see why petitions against a measure should not be received by persons whose interests might be affected by that measure; and, in the present case, he thought the clergy had as good a right to petition as any other class of his majesty's subjects. If any thing could show the unreasonableness of this exception, it would be the reception of a petition which professed to come from the whole body of the Catholic priesthood of Ireland.

Lord *Holland* observed, that, always inclined to open the widest door to the applications of the people, he would make no objection to the reception of this petition. He would receive it notwithstanding the absolute falsehoods and the gross allegations of improper motives with which it was filled, and the spirit and temper which it displayed. The petitioners came before their lordships "humbly" representing their views and their fears; but, what evidence did they give of christian humility in their arrogant denial of equal privileges to their christian brethren? They professed their regard for christian establishments, but showed none for christian charity. His noble friend had objected to the petition, that it contained imputations of motives which the petitioners could not prove, and asserted facts, of which the Catholics could establish the falsehood. When this was denied, his noble friend had justified his assertions by an appeal to the words of the petition. It broadly stated, that the Catholics avowed the doctrine of the Pope's supremacy in civil matters—an assertion which the Catholics denied. It next asserted, that the real object of the Catholics was to overthrow the Protestant Church establishment, and possess themselves of its revenues; and this the Catholics denied. It did not become a body of men profess-

ing to act under the influence of christian charity, to suspect lightly the motives of others, even when there existed reason for suspicion; but no man with the least pretentions to candour or justice, could impute bad motives to his neighbours where none existed, or ascribe designs to them which they disavowed. But, it was said, the designs imputed to the Catholics in the petition were avowed. If so, where? In every petition presented to the House for Catholic emancipation, so far were designs against the establishment of the country from being avowed, that they were distinctly disclaimed.

The Bishop of *Chester* [Dr. Blomfield] said, he was unwilling to hear any imputations upon any portion of the clergy, for a want of charity. As to the supremacy of the Pope, the Catholics were too wise to allude to it in any document submitted to that House, because the maintenance of such a doctrine would be unlawful. But he would inform their lordships, that in a Catholic journal circulated throughout his own diocess by the Catholic priests, such doctrine was advanced. In December last, the editor of that journal, who had been repeatedly thanked by the various branches of the Catholic body, in speaking of a late ordinance of the king of France, disapproving of the conduct of a cardinal for compromising the liberties of the Gallican church, said, that he could not agree with the views of the French government on that occasion, because the king had no title to interfere with the conduct of the church, to the injury of the indefeasible rights of his holiness the Pope. The same doctrine was asserted by the Roman Catholic priests of Lancashire. They made no scruple to say, that the churches of this kingdom had been theirs once; and that they expected they would be theirs again. The noble baron imputed a want of charity to the petitioners for suspecting the designs of the Catholics, and had found fault with some allegations in the petition. He himself did not entirely approve of all the expressions in the petition. There were some that he would have been glad to see expunged; but it would be hard to refuse conscientious men the right of making known their fears, and raising their voices in defence of our establishments, though they might, in their sincerity and honest conviction, employ a greater severity of terms than the occasion warranted. If he wanted any further excuse for such conduct, he might find it in what the world looked upon as a justification; namely, a similar harshness of language in the opponents of the petitioners. The clergymen of the establishment who conscientiously discharged their duties were styled "hungry Protestant parsons" in all the publications of the Catholics. He could not sit silent while he heard the conduct of the petitioners arraigned, and motives imputed to them which they would disclaim.

The Earl of *Carnarvon* did not disapprove of churchmen petitioning on public measures; but he objected to their separating themselves from the great body of the people in their applications. If he were a clergyman, he should feel a distrust of his own impartiality in a matter which had reference to the establishment; and would not petition, lest he might be actuated by prejudices which rendered his opinion of no value. The petitioners had not shown this prudent distrust; but had completely justified its necessity. They evinced the strongest bias, and were actuated by prejudices which led them to distort facts. The petition prayed that the House would protect the established religion, which was threatened with spiritual tyranny and oppression. What man could look around him, and say that the Protestant body were threatened with spiritual oppression and tyranny from the Catholics? He had always heard, that the tyranny and oppression was not only threatened, but inflicted, from the other side. However this might be, there certainly was spiritual coercion. He regretted that the petitioners should have thrown such discredit on their order, by uncharitable allegations, and the falsehood of their assertions. They had justified lord Clarendon's character of churchmen; who had said, that of all classes of men, the clergy were, on general subjects, the least informed, and took the most incorrect view of public affairs.

Lord *King* expressed his belief, that such a petition could not have come from any other corporation, or place in the kingdom, than from the wise men of the diocess whence it issued. Such a mass of bigotry and nonsense could no where else have been concocted. The clergy in that town were entirely in the dark. They read, and knew nothing. They had not even perused the tolerant proclamation of the tolerant king of Hanover. He wished the right rev. prelate of the diocess would

take that proclamation and hang it upon the door of every chapel. He would probably be asked by the petitioners, "What have we to do with Hanover?" as it had been asked, "Can any good thing come out of Nazareth?" He would say, much good might come out of Hanover, if the rev. gentlemen would read that liberal proclamation.

Ordered to lie on the table.

HOUSE OF COMMONS.

Monday, February 28.

JOINT-STOCK COMPANIES.] On the motion, that the Welch Iron and Mining Company Bill be read a second time,

Mr. *Grenfell* objected to the practice of granting to Joint-Stock Companies the privilege of suing and being sued by their secretaries. If, as it was alleged, many companies now in progress had no real foundation, and were only formed with a view of deluding the public, their power of deluding would be considerably increased, by their being enabled to hold out to the world that they possessed any thing like parliamentary sanction.

Mr. *Huskisson* admitted, that some of the new companies possessed the character which the hon. member said was ascribed to them. Parliament had very properly put an end to the system of gambling by lotteries; but many of these companies led to much more destructive consequences than even that. With reference to what the hon. gentleman had said, he must ask, how it was possible for the House to know whether certain companies were or were not formed on sound plans, and whether their capital was subscribed? He believed, indeed, that if it should appear that the capital of the companies had not been subscribed—that it was only a pretended capital—they would experience great difficulty in getting their bills through all their stages in another place. There were, he understood, some standing orders in the other House, which rendered it necessary for companies wishing to obtain the sanction of parliament to prove that they possessed substantial means.

Mr. *Hobhouse* expressed his pleasure at the attention of the House having been directed to the subject, which he considered one of great importance. When the proper time came, he should be able to prove that there was no pretence whatever for some of the projects of the present companies. There was one company in particular—he could not fairly be blamed for saying any thing to prejudice the shares of the company he was about to name, for when they chose to come to parliament to ask for a privilege, they must not complain of being animadverted on—the Pasco-Peruvian Mine company, which he pledged himself to prove had no foundation whatever, and no object in view, except to work mines on the Stock Exchange. If so, it was too much for them to come to parliament for its sanction to such a delusion.

Mr. *Baring* said, he would not venture, in the present stage, to pass an opinion whether the projects were or were not chimerical; but, with regard to the mining speculation to which his hon. friend had referred, it seemed to him to stand upon as good a foundation as the others. Whatever the comparative merits of different schemes might be, the House ought not to pass any bills of the kind incautiously, because the probability was, that they would be rejected elsewhere. A good deal had been said on the subject of a general measure to restrain the spirit of speculation in mining and other shares, to be introduced in another place. Whether the intention had been abandoned, or was to be persevered in, he knew not; but, if he had not been led to expect that such a bill would be brought forward early, he should, ere now, have said something on the subject. He did not see that any great injury would be done by merely granting the power to companies to sue and be sued by their secretary. He cautioned the House against adopting such a tone upon this subject, as might obstruct a great deal of useful spirit of enterprise. He hoped that his right hon. friend (Mr. Huskisson) had made up his mind, as to the course which it would be advisable for him, in his official capacity, to pursue. It was, in his opinion, the duty of the House to adopt some general measure, applicable to all undertakings of the kind, without bestowing particular censure upon individual schemes, that might or might not be publicly advantageous.

Mr. *Huskisson* wished, as he had been addressed in his official capacity, to add a few words to what he had already said upon this subject. It was difficult, if not impossible, for him to ascertain, and decide upon, the merits of any of the plans at present afloat; and to all of them

he was as much a stranger as any hon. member who heard him. What he had said last session, he had no objection to repeat now; namely, that if any company came forward to solicit a bill to limit pecuniary liability, or to exempt them from pecuniary liability, he should have a decided objection to it; but, where they only sought for their own convenience, and for the convenience of the public, to be allowed to sue and to be sued by one of their officers, he did not see why such a request ought to be rejected. If it turned out that the company was a mere bubble, no harm, that he could discover, would be done by the facility thus afforded. It would surpass any powers which he possessed, or any leisure he could bestow upon it, to probe to the bottom the merits of the various speculations, and to be able to decide which was likely to be a beneficial undertaking, and which a bubble. It was, as it seemed to him, a question for the public to inquire and determine, before it engaged in any scheme of the kind; though his opinion certainly was, that the parties who speculated ought to be somewhat more cautious.

Mr. *Hume* contended against the position, that the House ought to lay down some general rule upon this subject. He, for one, should be sorry to see it meddle with any thing of the kind. When hon. members talked of delusions, he should be glad to know whether Waterloo Bridge was not as gross a delusion and as ruinous a delusion as had ever been practised upon the public? Yet that project was supported and countenanced, and had ended in the complete distress of a great many of the parties. These evils, as far as they were so, ought to cure themselves. It was not the duty of the House to throw impediments in the way of speculation, as long as it communicated no peculiar privileges. Individuals ought to be allowed to do as they pleased with their own property.

The bill was read a second time.

FINANCIAL SITUATION OF THE COUNTRY.] The House having resolved itself into a committee of Ways and Means,

The *Chancellor of the Exchequer* rose to make his promised Exposition of the Financial Situation of the Country, and addressed the Committee as follows:*—

* From the original edition printed for J. Hatchard and Son.

Mr. Brogden;—Although I cannot forbear to congratulate the House upon the auspicious circumstances under which we are called upon to review the state of our finances, I can truly say that I do not do so for the mere purpose of making a flourish, nor with any desire to induce the country to indulge in an unreasonable exultation as to the present, or an extravagant anticipation as to the future. But although I have no such object in view, and although there may be in this country, and unquestionably are in other countries, persons, who, either jealous of the eminence of our station, or ignorant of the causes which have placed us there, may represent our present prosperity as the forerunner of our ruin, and may wish to represent us as having merely hastened

———" numerosa parare
Excelsæ turris tabulata, unda altior esset
Casus, et impulsæ præceps immane ruinæ,"

I nevertheless am of opinion, that if upon a fair review of our situation there shall appear to be nothing hollow in its foundation, artificial in its superstructure, or flimsy in its general result, we may safely venture to contemplate with instructive admiration the harmony of its proportions and the solidity of its basis. I say, Sir, with instructive admiration, because I am satisfied that no one can calmly and philosophically consider it, without seeing pourtrayed before him, in the most legible characters, the course of policy which it is our duty to pursue, if we wish to consolidate our own resources, and to promote the general happiness of mankind.

Under these impressions, then, and wishing gentlemen to keep these considerations in view in applying themselves to our present business, I shall proceed to the details of the question immediately before us. In doing this, I shall first wish to bring under the notice of the committee a comparison of the actual revenue of the year which is passed, with the estimate of it which I ventured to lay before the House at the commencement of the last session. I assumed at that time, that at the expiration of 1824 there would be a clear surplus of about 1,050,000*l.*; and upon that assumption, and carrying its views forward to the end of the year 1827, the House proceeded to make a reduction in our taxes to the amount of no less than 1,260,000*l.*, of which sum I calculated that the revenue would in that year lose about one half, or 630,000*l.*; so that if, at the end of the year, the surplus had been

420,000*l.*, my estimate would have been realized, and no expectation which I had induced the House to entertain would have been disappointed. It is, however, with no ordinary satisfaction that I have to state, that, notwithstanding the reduction then made, and notwithstanding that a more immediate effect was given to that reduction, and greater loss consequently sustained than I had originally contemplated, the actual surplus of the year was 1,437,711*l.*, greatly exceeding not only what would have been sufficient to realize my estimate, but exceeding even that surplus which I had thought myself authorized to expect, independent of any subsequent diminution of the taxes.

I will now, with the permission of the committee, advert to some details of this case, and make some observations upon the different branches of the revenue in which this increase has taken place. And first as to the Customs. The receipt under this head, I had estimated at 11,550,000*l.*, and having afterwards repealed customs duties to the amount of at least 900,000*l.*, of which I anticipated that 450,000*l.* would be lost to the revenue in 1824, it follows that my calculations would have been verified if the actual receipt had been 11,100,000*l.*: in addition, however, to the loss sustained by the immediate effect of reduced duty, the nett receipt of the customs was still further lowered by the payment of no less than 460,000*l.* upon the stock in hand of silk, in order to give more immediate efficacy to the change of duty and system in regard to that article: and yet, in spite of these two circumstances, it appears that the nett produce of the customs for 1824 was no less than 11,327,000*l.* Now, Sir, to what is this increase to be ascribed? And what are the causes which have produced this important result? The proximate cause, doubtless, is the increased capacity of the people of this country to consume the produce of other countries, aided and invigorated by the reciprocal facility which our consumption of foreign articles gives to other nations in the extended use of the products of our own industry. But it may be said that this increase is accidental, that it has arisen out of some special circumstances applicable to the particular time, or from some peculiarity in our situation. Surely that is not the case. Is it not occasioned, on the contrary, by something the very reverse of what is ephemeral and peculiar, by something inherent in the nature and connected with the very essence of human society? The demonstrated tendency of population to increase would alone be sufficient, in a great measure, to account for it: but independent of that cause, there is a principle in the constitution of social man which leads nations to open their arms to each other, and to establish new and closer connexions, by ministering to mutual convenience; a principle which creates new wants, stimulates new desires, seeks for new enjoyments, and, by the beneficence of Providence, contributes to the general happiness of mankind. This principle may, it is true, be impeded by war and its calamities; it may be diverted by accident from its natural channel; it may be counteracted (as we well know in this country) by the improvidence of mistaken legislation; but it is always alive, always in motion, and has a perpetual tendency to go forward; and when we reflect upon the facility which is given to its operation by the recent discoveries of modern science, and by the magical energies of the steam-engine, who can doubt that its expansion is progressive, and its effect permanent? It appears to me, therefore, that I may safely assert, that the increase in this branch of the revenue is not the result of accident, or of a temporary combination of fortunate circumstances, and that I am not too sanguine in my views, when I take the produce of last year as the solid basis upon which I calculate the state of that branch of the revenue for years to come.

The next item of revenue is the Excise, which is peculiarly important, both from its amount, and from its immediate connexion with the comforts of the people. In this branch, not only has the produce of last year surpassed that of the former (which itself exceeded the average of the three preceding years), but it has gone very far beyond what I ventured to anticipate. The produce which I anticipated was 25,625,000*l.*; the actual result was 26,768,000*l.*, being an excess of 1,143,000*l.* This, it cannot be doubted, must be matter of sincere gratification to every one who feels an interest in the well-being of his fellow subjects; since I can state, that of almost every article contributing to the Excise, there has been such an increased consumption, as to indicate, in the most unequivocal manner, the increasing ease, comfort, and happiness of the people. This will be shewn by a reference to a

paper which I hold in my hand, and which exhibits the following satisfactory results.

An increase upon	Auctions	of	....	12 per cent.
do.	Beer, (Strong)	—	....	15 per cent.
do.	——(Table)	—	....	20 per cent.
do.	Bricks	—	....	40 per cent.
do.	Tiles	—	....	15 per cent.
do.	Candles, (Tallow)	—	....	9½ per cent.
do.	—— (Wax)	—	....	8 per cent.
do.	Coffee	—	....	2½ per cent.
do.	Cocoa Nuts	—	....	6½ per cent.
do.	Glass	—	....	20 per cent.
A decrease upon	Glass Bottles	—	....	20 per cent.
An increase upon	Cyder and Perry	—	....	12 per cent.
do.	Leather Tanned	—	....	10 per cent.
do.	——Skins	—	....	15 per cent.
do.	Licenses	—	....	7 per cent.
do.	Malt	—	....	3 per cent.
do.	Paper, 1 and 2 Class	—	....	12½ per cent.
do.	—— Mill Board	—	....	15 per cent.
do.	Pepper	—	....	10 per cent.
do.	Printed Goods, Calicoes	—	....	24 per cent.
do.	——Stained Paper	—	....	20 per cent.
do.	Soap, (Hard)	—	....	7½ per cent.
do.	——(Soft)	—	....	12½ per cent.
A decrease upon	Starch	—	....	3 per cent.
An increase upon	Spirits, British	—	....	66 per cent.
do.	——Foreign	—	....	25 per cent.
do.	Stone Bottles	—	....	15 per cent.
do.	Sweets, &c.	—	....	45 per cent.
do.	Tea	—	....	1¼ per cent.
do.	Tobacco and Snuff	—	....	3½ per cent.
A decrease upon	Vinegar	—	....	9 per cent.
An increase upon	Wine	—	....	5 per cent.
do.	Wire	—	....	½ per cent.
do.	Wrought Plate	—	....	15 per cent.

I now come to the Stamps. I estimated last year that it would produce 6,800,000*l.*; and I afterwards proposed a reduction of law stamps, which, at the rate of 200,000*l.*, per annum, and commencing on the 10th Oct. 1824, would have brought the receipt down to 6,750,000*l.* one quarter only of the reduced duty being lost in that year. The real produce of the year has been 7,244,000*l.*, so that we have the satisfaction of knowing that we have obtained the benefit of cheap justice without making the sacrifice which we were prepared to encounter.

The Post-office I took at 1,460,000*l.*; it brought 1,520,000*l.*, that increase being the natural consequence of increasing activity in the general business of the country. Upon the whole, I may say, that although there might have been some who feared at the time that I was risking too much, all must now admit that I kept within moderate bounds, and that I may safely venture to adopt the same principle in framing my present estimates.

I have now to state to the committee, my calculations for the present year, and to explain the grounds upon which they are formed. I assume the produce of 1825, including every thing, at 56,445,370*l.* The expenditure will be 56,001,842*l.*, including 5,486,654*l.*, as sinking fund, which will give us a clear surplus of 443,528*l.* Let us now look a little into the details. The Customs for 1825, I take at 11,350,000*l.*, and I will explain why I assume an excess above the actual nett produce of last year. I think I have said enough to satisfy the committee, that I may safely take the last year's receipt as the basis of the present: to this I add 50,000*l.*, which will be saved by the progressive diminution of certain bounties upon fish and linen; I had also, 460,000*l.* being the amount of the repayment of the stock in hand of silk, which was merely a casual loss. These sums,

then, would stand as follows:—

Receipts of 1825	£11,327,000
Diminution of bounties ..	50,000
Stock of silk in hand ..	460,000
	£11,837,000

From this, however, I must deduct 410,000*l.* for the full operation of the reduction of duties last year, which would leave the produce at 11,427,000*l.*; but as I am anxious to keep within the mark, I only estimate it at 11,350,000*l.*, retaining elbow-room to the amount of 77,000*l.*

The estimate for the Excise I state at 26,400,000*l.*; the produce of last year was 26,768,000*l.* from which must be deducted 200,000*l.*, on account of the entire cessation of the salt duty, and 37,000*l.* on account of the further effect of last year's diminution of the duty on rum so that the probable produce of 1825 would be 26,531,000*l.*; but I think it more prudent to take it at 26,400,000*l.* The stamps will, in all probability, produce 7,100,000*l.*, after allowing for a diminution of 150,000*l.* on account of the further effect of the repeal of the law-stamp duty. The assessed and land taxes will not be less upon an accurate calculation than 4,875,000*l.* The Post-office may be calculated at 1,500,000*l.*, being 20,000*l.* less than last year. The miscellaneous, including 100,000*l.*, due under treaty from the Dutch government, will be 750,000*l.*; and lastly, there will be received from the trustees of half pay and pensions, 4,470,370*l.* The whole would stand as follows:—

Customs	£11,350,000
Excise	26,400,000
Stamps	7,100,000
Taxes	4,875,000
Post Office	1,500,000
Miscellaneous..........	750,000
Trustees of Half Pay....	4,470,370
	£56,445,370

Turning now to the expenditure of the year 1825, we shall find that it will amount to 56,001,842*l.* Of this, the following items constitute the permanent charge upon the consolidated fund; and I should here explain that the increase of the sinking fund beyond last year arises in great measure from the course adopted respecting the dissentient holders of 4 per cents. The stock standing in their names amounted to about 6,000,000*l.*; and as they were to be paid off by an issue of Exchequer bills, which were to be subsequently discharged out of the sinking fund, the amount of their stock was transferred, at an interest of 3½ per cent, from their names to those of the commissioners for the reduction of the national debt, and the interest of the stock so transferred became an addition to the sinking fund.

The other class of expenditure is that which arises from the annual supplies voted by parliament, and the two together comprehend the ensuing items:

Consolidated Fund.

Interest of Debt........	£27,233,670
Do. of Exchequer Bills..	40,000
Civil List, &c.	2,050,000
Half Pay Annuity	2,800,000
Sinking Fund..........	5,486,654
	£37,610,324

Supply.

Interest of Exchequer Bills ..	820,000
Army	7,911,751
Navy	5,983,126
Ordnance	1,376,641
Miscellaneous	2,300,000
	£56,001,842

I do not conceive that it will be necessary for me to trouble the committee with any detailed examination of this expenditure; further than to say, that a portion of the increased charge of the army arises from the expense which will be incurred this year by training the English and Scotch militia, and that the miscellaneous charge is increased by the necessity of paying no less than 250,000*l.* to the United States of America for certain Negroes who left their masters and attached themselves to our forces during the late wars. By the Treaty of Ghent we were bound to pay for such Negroes, and the amount to which I have referred is the result of a reference, under the provisions of that treaty, to the arbitration of the emperor of Russia.

Deducting then the total charge of 56,001,842*l.* from the total revenue of 56,445,870*l.*, the nett surplus will be, as before stated, 443,528*l.*; and if, following the course which was pursued last year, we cast our eyes forward to the years 1826 and 1827, and proceed to calculate upon my present basis, I look to a surplus of 864,676*l.* for 1826, and of 1,254,676*l.* for 1827. The latter surplus will derive its increase beyond the year immediately preceding it, from a circumstance which this will be the proper place to mention; I allude to a diminution which I propose to effect in the bounty upon the exporta-

tion of refined sugar. The committee are probably aware that, by the present law, the duty upon raw sugar varies according to its price; that is to say, when the average price is below 47*s.*, the duty is 27*s.* per cwt., and the duty is liable to a graduated scale of increase according as the average price may reach certain specified amounts. This I conceive to be a very faulty system, first, because the additional duty (which is necessarily presumed to be paid by the consumer) attaches when the price of the article is already high; and secondly, because the drawback upon the exportation of refined sugar is calculated upon the supposition, that the duty upon the muscovado is invariably paid at the higher rate. Now, as I am willing to forego the contingent advantage of the ascending scale, and think it desirable to fix the duty permanently at 27*s.*, it seems to follow as an obvious consequence that the drawback should be modified accordingly, and this change of system will save to the revenue 3*s.* per cwt. in the drawback, and may be taken as a total saving of about 300,000*l.*: in the estimate therefore of the Customs for 1827 (the first year in which the modification will be in operation), I assume an addition to that amount. I am sure that I need not press upon the committee the propriety of taking this course; the 3*s.* in question being a positive bounty, and not a mere drawback of duty actually paid, it clearly becomes the interest of foreign governments to impose an additional duty upon our refined sugar, equivalent to that bounty, and thus to put that revenue into their own pockets at our expense. At the same time I shall be prepared to recommend to the committee a reduction of duty upon West-India produce of different kinds to the full amount of the charge which will be favored by this change of system.

It thus appears that the surplus of the years ending with 1827 will be as follows:

Surplus of	1824	£1,437,744
	1825	443,528
	1826	864,676
	1827	1,254,676
Total		£4,000,624

When I last year presented to the House a calculation of surplus founded upon the same principle, I asked, "What we were to do with it?" I repeat that question now, and I answer it as I did then. "We may do with it a great deal of good; and it is our duty to do it." Let us then see in what way this good can be best effected. I am aware that those who are looking at their own individual views, in respect to the reduction of taxes, may question the policy of the particular reductions which it is my intention to propose: but I am well satisfied, that I shall submit a series of propositions to the House, which will be found eminently calculated to promote the general interests of the community, if those interests are considered in their more extended sense, as combining enlightened principles of policy with positive relief from fiscal pressure. I have three main objects in view:—1st, Increased facility of consumption at home, in conjunction with increased extension of commerce abroad; 2nd, A combination of the first principle with the restriction of smuggling; and 3rd, Some alleviation of the pressure of direct taxation. I mention direct taxation last, because I am convinced that the advantages which the country will derive from a steady attention to the two preceding objects, are ten thousand times greater than those which would result from giving a decided preference to the latter. It is true that I am well aware to what I expose myself in making this statement; and I am aware that I have been repeatedly told this evening, that if I wished to acquire popularity either for myself or the government, the best way to obtain it would be, to reduce the assessed taxes. But, Sir, although it would be folly to despise popularity, I would not seek it by consulting particular interests at the expense of the general good; and I am sure I should not deserve it, if for its sake I could persuade myself to abandon clear, fixed, and important principles, which are useless if confined to theory, but eminently beneficial if reduced to practice.

First, then, as to the extension of our intercourse with foreign nations. The House, I am happy to say, has gone along with me in promoting this great object, and I trust that the country is by this time convinced of the good sense which dictates the policy of getting rid both of ositive prohibitions and of prohibitory uties. Much has already been done pon this subject, but much remains to be one; and it is the intention of my right on. friend near me (Mr. Huskisson) to ake an early opportunity of submitting to 'ie House a plan for reducing, within oderate and reasonable bounds, all the

remaining prohibitory duties, and thus to strike, as it were, from our recollection all those errors and prejudices which have so long shackled the energies of our own commerce, and restricted the productive industry of the world. It will not be necessary for me now to go into detail upon this subject; but there is one particular article which is so important, and which has been so frequently alluded to in the present session, that I cannot avoid to mention it. I allude to foreign Iron. The demand for Iron in this country has risen of late to such a wonderful degree, that the produce of our own mines is unequal to meet it at any reasonable price; and this demand has not, I believe, been produced by any sudden or occasional cause; it has not been created (as I have heard from some) by a notion that all the Iron in the country is about to be dug out of the bowels of the earth, in order to cover the land with railways; but it is the result of a much more satisfactory cause, viz. the increasing prosperity of the world in general, which brings within the reach of increasing numbers, articles of Iron manufacture which are essential to the convenience and the business of all classes of society. But, Sir, such is the present high price of Iron, that I am credibly informed, that orders of this description intended for Birmingham and Sheffield, have been transferred to cheaper markets on the continent, in the hopes that lowness of price may compensate for inferiority of workmanship. I would meet, therefore, the narrow and shortsighted policy, which would say "Let us use no Iron but our own," by saying to the manufacturer in return "Use all the Iron you can get." With a view, then, to give effect to this proposition, I would recommend that the present duty of 6*l.* 10*s.* per ton, should be reduced to 1*l.* 10*s.*; and I am confident, that whilst this measure would render essential service to all those employed in this description of manufacture, it will be found equally beneficial to those who produce the Iron itself, and who, I have every reason to believe, are much too enlightened not to acquiesce in the policy which dictates the proposed reduction. As far as the revenue is concerned, I do not conceive that it will incur any loss, as the very high rate of the present duty operates in a great measure as a prohibition; but I think it necessary to state in this place, that it is not proposed that the reduction should immediately apply to all countries from whence Iron may be brought. One of the objects which the British government has in view in diminishing duties upon foreign produce, is to set an example to other governments. There are some states which have manifested an unequivocal disposition to adopt a similar policy; but others do not as yet appear to have emancipated themselves from their former system; in truth they may be said to be still heaping restriction upon restriction. I do not wonder at this, because I cannot forget how long we were ourselves before we saw the error of our ways, and shook off our ancient trammels; but I do think, at the same time, that however anxious we may be to give to all countries the benefit of our example and our practice, we are not bound to do so indiscriminately, or to abstain from making distinctions in favour of those nations whose views and principles are conformable to our own. I do not, however, believe that there will long exist any ground for the practical application of this distinction, because I am willing to persuade myself, that what is sound in principle and beneficial in its result will sooner or later become the rule in the intercourse between nations, particularly when the whole world will see, that what we profess to aim at in one year is not overturned by a contradictory practice in the next.

I shall now proceed to state the reduction which I propose upon various other articles of foreign produce, the duties upon which although not avowedly or really prohibitory, are nevertheless so high as to impede the consumption, and to press with considerable severity upon those who use them. The first of these articles is hemp. This, it is true, is not perhaps an item of very material importance in the general consumption of the country: but it affects very seriously one of the most valuable interests of the country—I mean our mercantile marine. No one can doubt that this interest is closely connected with the well-being of the country, and that whatever contributes to the maintenance of that great fulcrum of our strength, deserves the favourable consideration of the House. With this view, therefore, I shall propose the reduction of half the present duty upon hemp, at a loss to the revenue of about 100,000*l.*

The next item to which I wish to call the attention of the committee is in Coffee;

a matter of no small consequence in reference to our West-India colonies. At present the duties upon coffee are as follow, viz.

West India .... 1*s.* per lb.
East India .... 1*s* 6*d.*
Foreign ...... 2*s.* 6*d.*

do not mean to say that these rates of duty are very high, or that they press with great severity upon the great mass of consumers in this country; it is, nevertheless, true, that the consumption of coffee, particularly since the imposition of the last duty in 1819, has by no means kept pace with the increased population and ease of the country; from which we may reasonably infer that the high rate of duty has contributed not a little to curtail it. It is, besides, a matter of great importance to give every facility to the cultivation, in the West Indies, of every species of tropical produce as well as sugar: and, as it is well known, that the labour of cultivating coffee is much less severe than that which is necessary for the production of sugar, I flatter myself that the increased consumption of coffee which I anticipate from this reduction, will, in that respect, be of much utility in that part of his majesty's dominions. I propose to extend this reduction to cocoa, and, taking both articles together, the revenue will probably be diminished to the amount of 150,000*l.*

I come now to a matter which, in reference to the principle which I have just laid down as to the effect of the high duty upon coffee in curtailing its consumption, has long occupied my attention, and has upon various occasions, during the last two years, been under the notice of the House. I allude to the article of wine; and when upon former occasions I have been asked whether the government contemplated any change respecting it, although I did not then feel myself enabled to take that subject in hand, I never argued against the principle of reduction, and could not shut my ears to the notorious fact, that the consumption of wine in the united kingdom had not only not increased, but ha in truth, greatly fallen off. I may perhaps be here told, that wine is a mere luxury, that the duties upon it fall exclusively upon those who are best able to pay them, and that the poorer classes of the community will derive no benefit from their diminution: Sir, I cannot admit that these are conclusive objections; in some sense, it is true, wine may be considered as a luxury; but it should not be forgotten that it has medicinal virtues, and that in many diseases to which the poor are peculiarly liable, wine is recommended as essential to recovery; and surely as regards the middle classes of society, it never can be maintained, that it is a matter of indifference to them whether wine be highly taxed or not, unless it be argued that there is no motive for facilitating to those classes the enjoyment of any thing beyond the bare necessaries and comforts of life. Although, therefore, the more wealthy part of the community may derive the most immediate and extensive benefit from the proposed reduction, I hope it will not be supposed that I am looking to their advantage alone, or that I found my proposition upon any desire to relieve them at the expense of others. The truth therefore being, that since the duty upon wine has been so high, the consumption has fallen off, and that the consequent means of other nations, producers of wine, to extend their commercial transactions with us, have been proportionably diminished, it would seem to follow as a necessary consequence, that an augmentation in the use of wine would give a new stimulus to many branches of trade. Let us look now at the state of this question at former periods, and let us go back no further than the years 1801, 1802, and 1803. In those years the duty in Great Britain was as follows, viz.

French	1801 ..	8*s.*	9*d.*	per gallon.
	1802 ..	8	10	
	1803 ..	8	10	
Not French	1801 ..	6	5	
	1802 ..	6	6	
	1803 ..	6	6	

The average consumption was:

	Gallons.
Of French wine	274,000
Of all other wine	7,396,000

Now the consumption of 1824, after the lapse of more than twenty years, notwithstanding the great increase of our population and of our general opulence, has been so far from keeping pace with that increase that it did not exceed 254,268 gallons of French wine, and 4,847,976 gallons of other wine. How is this to be accounted for? I may be told, that the habits of the country are changed; that it is not now the fashion to drink so much wine as formerly: this may, to a certain extent, be true; but one obvious reason for the

change is the high price of the article, enhanced and kept up by the high duty. Let us then get rid of this obstacle to consumption, by applying the obvious remedy of reducing the duty, and we may safely anticipate such an increase as will in all probability bring us back to the average of the three years, which I have before mentioned. I am confident that this result would follow, if we adopted the scale of those three years; but to make all sure, I propose to go still further; and I will now explain to the committee what are the present duties in Great Britain; what were the duties in 1801, 2, and 3; and what are those which I should now wish to establish.

	Duty in	Present Duty.	Proposed Duty.
French	1801, 8*s.* 9*d.* per gall. 1802, 8 10 1803, 8 10	11*s.* 5½*d.*	6*s.*
Not French	1801, 6 5 1802, 6 6 1803, 6 6	7*s.* 7*d.*	4*s.*

Now, Sir, it is possible that a reduction to the scale of 1801 might be sufficient to bring back the consumption to the rate of that period; but as it would be highly imprudent to reduce the duty at all, unless it were done effectually, I have thought it better to descend at once to the point which I have mentioned, and which will be a reduction of nearly half of the present amount, being at the rate of 1*s.* 3*d.* per bottle upon French wine, and 1*s.*, within a fraction, upon all other Foreign wine. In Ireland I cannot venture to calculate upon an increase of consumption to the same amount, because I cannot venture to reduce the duty to what it was in that part of the united kingdom in the years before alluded to. But I hope, nevertheless, that Ireland will reap her full share of the advantage of the change; for much as I wish to see many things in that country altered, there is nothing that I should less wish to see than any change in that hearty, generous, and honest conviviality for which Ireland has been long renowned, and which, however it may within the last twenty-five years have been damped by the pressure of the times, will doubtless revive in full vigour, in proportion as taxation is diminished, and the general condition of the country improved. Assuming, therefore, that in Ireland the consumption of wine will amount to two-thirds of the average of 1801, 2, and 3, and that it will equal that average in England and Scotland (by the way, I trust that in the latter country they will now drink their claret with as much zest as they were formerly wont to do), the loss to the revenue under this head, may be taken at 230,000*l.*

The division of the subject to which I have now arrived, is one of peculiar importance. It refers not only to the principle to which I have just been alluding, of giving relief to the consumer, but to one of a higher order, and which is essentially connected with the morals and happiness of the people; I mean the prevention of smuggling. Smuggling, Sir, I conceive to be one of the greatest domestic evils that can afflict a country. Its active instruments haunt us wherever we go; they hover round our coast, they penetrate our harbours, they traverse the interior; they invade the splendid palace of the noble, and the humble cottage of the poor: they offer their temptations in every quarter, and I fear that all classes of society yield to the seduction. Surely this is an evil of tremendous magnitude: confounding all notions of right and wrong, and sapping with incessant and increasing power the very foundations upon which obedience to the law is built, it brings the law itself into disrepute, and the violation of it into universal credit. We have endeavoured to check the progress of this mischief by the most rigorous measures; we have surrounded the coast with ships and guards as with a wall of brass; we have imposed penalty upon penalty, and inflicted punishment upon punishment, but all in vain. Why? Because the cause of the evil is the law, and the alteration of the law has not yet been tried. Let us try it now; let us apply to England that change which has had such triumphant success in Ireland and in Scotland. Gentlemen may perhaps recollect, that when I proposed to make a great change in the distillery law of Ireland and Scotland, there were not wanting persons who exclaimed, "What; reduce the duty upon spirits? Make all the people drunk. For God's sake abstain from so fatal a measure." The measure was nevertheless taken; and what has been the consequence? So far from any evil having resulted from this step, tranquillity, order, and harmony, have superseded the disturbances, the confusion, and the ill-blood which arose from the desolating extension of illicit distillation. Why, then, should we not try in England a system of which experience has proved to us the advantage? Every motive of

principle, every view of interest, every feeling of duty and humanity, call upon us to pursue the same course. I do not mean to say, that we should proceed with precipitation and rashness, or that we can attempt to do all at once; on the contrary, when I have been pressed upon this subject upon former occasions, I always said, "Do not push me too hard; do not ride a willing horse to death." But we are now happily in the right course; and if we are but allowed to go on steadily and firmly, depend upon it we shall bring you to the goal in triumph. Let us, then, apply this principle to the distillery law of England, which in truth requires revision, not merely on its own account, but also on account of the degree to which it is affected by the change which has taken place in the other portions of the united kingdom; because, although the reduction of duty upon spirits in Ireland and Scotland has undoubtedly been attended with the most beneficial results, it has, nevertheless, produced indirectly a corresponding evil in England. We have driven the illicit distiller out of the north of Scotland; but with what, I fear, I was about to call characteristic sagacity, he has established himself in the South, and carries on from thence no inconsiderable traffic in smuggling whisky across the border. I do not mean to say, that this sort of smuggling affects the revenue in any very serious degree, but in point of morality it has all those prejudicial and dangerous qualities which I have before ascribed to an evasion of revenue laws. We must, therefore, deal with it immediately, if we wish to render complete our improvement in this branch of the fiscal economy; and I propose, in the first instance, to equalize the system under which the distillery may be carried on throughout the united kingdom, by which means numberless restrictions will be removed from the trade, and the intercourse between different parts of the country rendered indiscriminately open. As the law now stands, the distiller must begin by making a raw spirit, which he cannot sell for consumption in that form, but which he must consign to the rectifier, in whose hands it undergoes a fresh distillation; and being mixed with various compounds, is then distributed to the consumers under the denomination of gin; whiskey, which is the pure extract from grain, unrectified and uncompounded, cannot be sold for consumption. Now, Sir, I do not mean to say that the people of this country will necessarily like whiskey better than gin; but I do mean to say, that it is but reasonable that they should be at liberty to drink it if they choose. The hon. member for Aberdeen (Mr. Hume) admitted last year, that amongst various offences of the same kind to which he pleaded guilty, he had constantly in his house an ample supply of genuine smuggled Scotch whiskey. I congratulate him, therefore, specially upon the change which I propose; for, hereafter he will be enabled to indulge in this favourite beverage, without being exposed to those unpleasant liabilities which doubtless have given him many a qualm, by mixing his whiskey with the vapid drawback of an impending penalty. But, Sir, this change of system will not, I apprehend, be sufficient to effect the object which I have in view: it must be accompanied with a considerable reduction of the duty upon spirits. I am well aware of the objections which may be urged against reducing this duty, and that it may be contended to be very bad policy to facilitate by low duties the excessive consumption of ardent spirits amongst the people. The argument may not be altogether without its weight, but it should be recollected that ardent liquors are already cheap in this country, because such large quantities are smuggled, and pay no tax at all. The illicit importation of whiskey over the border makes them cheap in the north of England; in the south we have the extensive smuggling of Dutch gin and French brandy, by means of which these commodities are offered to the consumer at a comparatively low price. The diminution of the duty, therefore, upon home-made spirits, instead of necessarily making them alarmingly cheap, will rather have the effect of bringing under the Excise a considerable quantity which now escapes the payment of duty altogether. At the same time, I do not think it would be expedient (at least in the first instance) to reduce the rate so low as that which is charged in Ireland and Scotland; the cases are very dissimilar, and we have not here the same difficulties to contend with, that existed in those parts of the united kingdom. There the mischief arose from the extensive manufacture of illicit spirits in the remote districts of the country; here such a course would be much less practicable. Although, therefore, it was absolutely necessary in Ireland and Scotland to bring down the

duty from 5*s.* 6*d.* to 2*s.*, in order, by an effectual blow, to extinguish the tremendous evil which was producing such dreadful consequences, we are not obliged to go so far in respect to England. Upon this principle, then, I propose that the duty upon British spirits, which is now 10*s.* 6*d.* per gallon, should hereafter be 5*s.* per gallon, upon all spirits made exclusively from malt, and 6*s.* upon all which are made from mixture of malt and raw grain. I perceive that the hon. member for Norwich (Mr. W. Smith) hears this with a degree of horror, and thinks that I am going to spread universal drunkenness over the land; if, Sir, I were of the same opinion, I would not propose such a measure as this: but were there more foundation for this apprehension than, I am confident, there is, still the hon. member should recollect, that we have but a choice of difficulties; that smuggling is an evil of immense magnitude, the cause of excessive and varied immorality, and the parent of innumerable crimes; and that some such measure as I have suggested is the only mode of effectually putting it down.

In addition to this change in the duty upon British spirits, I propose also a reduction upon rum and other colonial spirits from their present rate of 10*s.* 6*d.* per gallon to 8*s.*; and I think it but just to retain this difference of 2*s.* between British and colonial spirits, because the manufacturer of the latter is not liable to that increased charge upon his raw material, which affects barley and malt from the restrictive operation of our corn laws. An equality of duty, therefore, would act with great injustice both upon the grower of English barley and the maker of English spirits. The distiller from sugar, however, in the colonies, will, under the new system, have the advantage of bringing the raw spirit which he may extract from his sugar, into consumption here, either by selling it in its raw state or by having it converted into gin through the medium of the rectifier and compounder. But I am not prepared at present to admit rum itself to be converted into gin. Hereafter it may be expedient to permit it: but as it would be obviously dangerous to the revenue if too many transformations of this article were allowed at once, I am desirous of, at all events, waiting till I can see how the new system works, and how far its extension can safely be carried.

Without troubling the committee with lengthened details, I think I may state the annual loss to the revenue upon the heads to which I have just adverted, at 750,000*l.* It would greatly exceed that sum, unless I counted upon the success of the plan in the diminution of smuggling and the consequent displacement of illicit whiskey, brandy, and gin: and I am satisfied, that if such a beneficial result should follow from its adoption, the hon. member for Norwich himself, who is in such distress at the notion of reducing the price of spirits, will feel that it was an experiment well worth the trial.

There is another article, small, indeed, in its amount, and local in its consumption, but which in the point of view which I have been just considering, appears to me to be of very great importance. I mean cider. I certainly cannot expect this to be a matter of very general interest; but when I state that in those parts of the country where cider is manufactured, the law is in a state of perpetual violation, that the gaols are filled with those whom the Excise has felt it to be their duty to prosecute, that a very large proportion of the prisoners are females, and that the consequences are most seriously prejudicial to the morals of very many country villages in those districts, I am sure that I am stating circumstances which give to this matter something beyond a mere local importance. Reducing then the duty upon cider from 30*s.* to 15*s.* [Some member here said, why not make it 10*s.*] Well, Sir, I will not squabble about 5*s.*; let it be 10*s.* The revenue will then lose about 20,000*l.* per annum; and we shall relieve six counties from the enormous evils arising from smuggling; evils, be it remembered, which however confined and local in their commencement, and springing perhaps from but one root, have a tendency to extend themselves far and wide, and by embracing new objects and seducing additional portions of the community, undermine by degrees the morals of the whole people.

The committee will have observed that hitherto I have confined myself to the subject of indirect taxation; and after the many petitions which have been presented to the House, and which have been strenuously supported by various gentlemen, upon the subject of the assessed taxes, I feel it incumbent upon me to state why I conceive that those petitioners ought not to complain if I have taken a course

different from that which they appear to desire. Surely, then, I may say, without disregard of their wishes, that their interests are wrapped up in the interests of the community at large, and that a great grievance cannot be removed from the condition of society, without conferring thereby a positive, although perhaps an indirect, advantage upon each separate class; and I am convinced that if those who have petitioned upon this subject would only bring to the consideration of the question those enlightened principles of which all now admit the force, and would look at it with reference to the general interests of the state, they would themselves be amongst the first to approve of the propositions which I have had the honour of laying before the House. It has been stated, Sir, by my hon. friend, one of the members for Surry (Mr. Sumner), and by his hon. colleague (Mr. Denison), that amongst those who have signed the petitions from Lambeth and Newington, there are many persons of rank, wealth, and station. If it be so, I would ask them whether they will suffer their own personal interests, however important (and I do not deny their importance), to turn the balance against the great principles which I have been advocating; and if such persons as I am alluding to, should still turn a deaf ear to this appeal, I should blush for that class of society of which I am an humble member, and would say to them,

> "Incipit ipsorum contra te stare parentum
> Nobilitas, claramque facem præferre pudori."

But, Sir, I do not confine my remark to that class of society. The middle ranks are at least as much interested in these considerations; they are as much concerned in all the benefits to be derived from an extended commerce; they are as much exposed to the temptations and the mischief of smuggling; and I will take the liberty of saying, that they will have no just right to contend that I do not propose to do any thing for their benefit, because I do not propose to do it exactly in their own way. I would above all entreat them to look at these matters with peculiar reference to Ireland. The misfortunes of that poor country are of long growth; they are deeply seated, spring from many roots, and it may be impossible to eradicate them all at once. But though much has already been done, much remains to be accomplished; and I know nothing more calculated to contribute to the improvement of that country (which all men seem to long for), than to give to it the utmost freedom of intercourse with all the world. No part of the king's dominions holds out more powerful inducements to the application of capital, no soil would be more productive of valuable fruit, none would more gratefully repay the labour of cultivation. It is the duty of every Englishman to contribute to this great end, and I would address myself in a particular manner to those individuals, who conscientiously feel that they cannot grant to Ireland that one boon from which I should anticipate so much benefit; I would tell them that it is ten thousand times more incumbent upon them to confer every other boon which it is within the power of parliament to grant; I would appeal from interest to feeling, from selfishness to generosity, from individual wishes to that sympathy which all honest men must entertain for a country which is in fact part of their own; and I would ask them if they can undervalue the gratification of seeing Ireland rising in the scale of nations, and taking her seat by our side on our joint imperial throne. What animating prospects would open upon our view! Ireland has a population of seven millions; her situation is improving; capital is extending itself in that quarter; employment is acquiring fresh activity. But with all that, her revenue does not exceed three millions and a half—Why? She wants encouragement; she wants a free development of her own resources: give her that by a steady pursuit of the system which I am recommending (and as we have begun it, it would be worse now to abandon it than never to have made the attempt), and we shall not only see her in full enjoyment of every advantage of which the country is susceptible, but I will wager my existence that her revenue of three millions and a half, will in very few years be doubled, and then we may have abundant scope for dealing as we please with every branch of our taxation. But, Sir, although for these reasons I do not feel that I can entirely fall in with the wishes of the petitioners to whom I have been just referring, I am nevertheless happy to say, that I am prepared to meet them to a certain extent; I do not mean to say that any reduction of the assessed taxes which I shall propose will be a pecuniary relief to persons of wealth and station; but it will, I flatter myself, confer a real benefit

upon the poorer classes of the community, and so far at least I shall substantially comply with one part of the prayer of the petitions presented by the hon. members for Surry, in which that species of relief is specifically pointed out.

Amongst the various objections which are urged against the assessed taxes, there appear to me to be none more worthy of consideration than those which apply to the petty annoyances which attend the collection of them, and I confess that I feel anxious to remove, as far as possible, all those that may be said to press upon sore places. Some of these relate to points in which evasion is easy, the correction of evasion embarrassing, and its punishment more vexatious than effectual; but I have already so far exhausted my own strength as well as the patience of the House, that I am almost unwilling to go through the catalogue of them which I hold in my hand, and which contains so many small and apparently insignificant items, that I fear the going through them will excite ridicule rather than attention. If, however, it is the pleasure of the committee that I should state them in detail, I am ready to do so. The first item, then, is that of four-wheel carriages, drawn (not by four horses, and not an appendage to opulence) but by one poney. It produces but 857*l.* a year, and may as well be repealed altogether. The next is a tax very seldom paid, and which many of us, I fear, are not unfrequently in the habit of evading. I mean that upon occasional waiters; I propose to knock that off altogether, at a loss to the revenue of 1,313*l.* Coachmakers' licences I propose to repeal, amounting to 354*l.*; also the tax upon carriages sold by commission, which, as they also pay the auction duty, is very unreasonable; it amounts to 3,391*l.* Mules which are employed in some of the mining districts of the country in carrying ore, are still subject to a small duty which I think it not worth while to retain. There is also a tax upon horses which presses with considerable severity upon the small farmer: I mean in cases where he is in the habit of occasionally letting out his team for various purposes of business: at many a slack period of the year this is a great advantage to him, but is now clogged with a tax, because such horses are not considered as being strictly agricultural horses, and consequently not entitled to exemption from duty; this exemption I propose to grant them, giving up thereby not more than 4,000*l.* I see no reason for retaining another small tax applicable to farmers, viz. that upon husbandry labourers who may occasionally have the charge of a horse: they are not, in fact, male servants in the taxable sense of the word, as they neither perform the ordinary duties of domestic servants, nor wear a livery; but they are liable to a duty which produces about 2,000*l.* The next item is that of taxed carts, which brings in about 19,000*l.* The entire removal of this will, I believe, be a great relief to many persons, and I know that its exaction causes more surcharges and trouble than almost any tax of this description.

I now come to houses and windows, upon which I have still room for doing something. As the law now stands, if a person quits a house after the commencement of the year, he still remains charged for the whole year; and the alteration which I propose to make (at a loss of 5,000*l*) is, that he shall be chargeable hereafter for that part of the year only, during which he shall have occupied the house. A sum of 4,000*l.* per annum is also received upon houses which are occupied throughout the year by one person, solely for the purpose of taking care of the house; this I propose to repeal; and I would deal in the same way with another item of 1,000*l.* per annum, arising from farm houses, out of lease, but occupied by a labourer; such farm houses are already exempt, provided that part of the house occupied by the labourer is entirely separated by the rest of the building: but as this condition is very onerous and inconvenient, by compelling the landlord to incur the expense of making the partition when his farm is out of lease, and of pulling it down again the moment he gets a tenant, I propose to remove it. In dairy farms also, no more than one window is allowed to be exempt for the dairy and cheese room, which compels the farmer to use the same place for both purposes: but by giving up 1,000*l.* a year, I can allow one window to be exempt in each such room.

The next point is one of more extensive importance; and I trust that much satisfaction may be given respecting it. The number of houses now charged with the house-tax is 527,649; the tax is assessed according to the assumed rent-value of the house; and 1*s.* 6*d.* in the pound is the assessment upon all houses rated under

10*l*. This class of houses I propose to exempt altogether from this impost; and by thus sacrificing about 90,000*l*. of annual revenue, no less than 171,705 houses will hereafter be entirely free from any charge upon this head. Windows constitute the next, and the last item upon my list. I cannot pretend to offer any thing here in the way of relief to the wealthy or even to the middle classes of society; but I can give it effectually to those who are poorer, and upon whom the window-tax presses with by far the greatest severity. There are in all 973,867 persons who are assessed to it; and it is charged at an increasing rate, according to the number of windows. A large proportion of these contributors occupy houses having no more than seven windows; and if by sacrificing about 145,000*l*., we relieve those contributors from the window-tax, we may set free at once, from this description of direct charge, 635,936 persons. Here, then, is a substantial boon which I offer to the poorer householders: here is not only an exemption from a pecuniary burthen, but a release from vexation, from surcharge, from litigation, from legal distress, and perhaps from a gaol, offered to several hundred thousand of our poorer fellow-subjects. If, then, I am enabled to add this boon to the other measures which I have proposed, do I not enlist all the better and higher feelings of the House in favour of my general scheme! And will not my hon. friend, the member for Surry, be one of the first to acknowledge that I have done so?

The result of the whole is as follows:

Reduction upon	Hemp	£.100,000
Do.	Coffee	150,000
Do.	Wine	230,000
Do.	British Spirit and Rum	750,000
Do.	Cyder	20,000
Do.	Assessed Taxes	276,000
		£.1,526,000

Of this I calculate we may lose, during the present year, about 650,000*l*., so that it is clear that the total surplus of this and the two ensuing years, which I have already stated at upwards of 4,000,000*l*., will be amply sufficient to meet the presumed reductions.

Thus, then, I propose to give additional facilities to foreign commerce and internal consumption; thus I strike a blow at that giant the smuggler; thus I exempt from the weight of direct taxation those who are the least able to bear it: and with these propositions in my hand, I would not fear to go into any assembly of my countrymen, at any time and in any place, and to claim, not I hope with overweening confidence or arrogant presumption, but with an honest consciousness of having endeavoured to do the state some service, respectfully and firmly to claim their approbation and support.—The right hon. gentleman concluded, amidst loud cheers, with moving his first resolution.

Sir *H. Parnell* said, that he felt perfect satisfaction at the statement of the right hon. gentleman, and particularly as it regarded Ireland.

Mr. *Maberly* hoped the committee would not, by admitting the propriety of many of the general principles upon which the right hon. gentleman had founded his able statement, be considered as pledging themselves to his details, and particularly where his practice was at variance with the system which he advocated. He begged also not to be considered as admitting that the right hon. gentleman's disposal of his surplus revenue was the best. The increase of the revenue he had always anticipated as the natural consequence of the introduction of sound commercial principles, they had given fair play to the industry of the people, and hence followed more comfort, and, as a necessary consequence, an augmentation of the national revenue.

Mr. *Sykes* said, that the reduction of the duties on hemp and iron would be a great relief to the shipping interest, and of no detriment to the revenue. He was no friend to bounties. He would suggest the reduction of the duties on whale oil also, which would occasion a loss to the revenue of only 13,000*l*.

Mr. *Bright* complained of the comparative inattention afforded to the West-India interests, and the necessity of further time for consideration, before the committee decided upon the right hon. gentleman's statement. Parliament had seriously interfered with the value of West-India property and interests, without giving the owners any thing like a fair equivalent. By the proposed reduction of bounties upon sugar, the great refining trade would be infallibly lost; and by the reduction of the duty upon home-made spirits, rum would be removed at a still greater distance from the British market. It was last year affected considerably by the introduction of Irish and Scotch whisky; and some hopes were

held out that, in the present year, the West-India interest would be better considered; and yet what was now proposed?—merely to reduce the rum duty 2*s*. a gallon, while, at the same time, the reduction in home spirits was to be 5*s*. a gallon. When they wanted to repress the smuggling trade, why not begin upon tobacco, the great article of notoriously contraband consumption? If they reduced the tax upon tobacco one half, the revenue would not be diminished, but smuggling would, to two-thirds of its present extent. It was said, that in the coffee reduction 150,000*l*. was conceded to the colonial interests. He admitted the importance of this reduction to the negro population; but denied its being a proper equivalent for the injuries which had been generally inflicted on the West-India trade.

Mr. *W. Smith* said, he would put in his claim for a future hearing on this subject, as the House was not at that moment properly prepared for the discussion.

Colonel *Davies* said, that the House would, to-morrow week, have an opportunity of considering the tobacco and other duties, in consequence of a motion of which he had given notice. He was not without hopes, that the chancellor of the Exchequer would carry his admirable principles further into practical operation, and still further diminish the public taxation.

Mr. *Hobhouse* thought it would have been better to have equalized the wine duties, than have made them in the proportion as six to four; and he was quite sure the country would not be satisfied with his inadequate reduction of the assessed taxes. The sinking fund on the present plan was, he thought, quite ridiculous.

Mr. *John Smith* thought the sinking fund essential to the maintenance of the national faith and honour. The West-India interests had been exceedingly oppressed; and he thought that a reduction of the duties upon sugar would have a very beneficial operation.

Mr. *Hart Davis* complained that the tobacco duties were not reduced. They now amounted to 1,200 per cent upon the original value of the article. He had expected a reduction of one half at least of these duties. Notwithstanding the very great export from America, the revenue in this article was not improved.

Mr. Alderman *Thompson* concurred in the disappointment expressed at not finding the tobacco and brandy duties still further reduced, for the better prevention of smuggling. He was glad at the reduction of duties on hemp and iron. Though he did not anticipate so great a reduction in the duty of the latter, yet he, who was largely interested in that trade, was not afraid of the foreign competition. He was a warm advocate of liberal commercial principles.

Mr. *Hume* noticed the immense military establishment which was still to be kept up. It amounted to 17 millions, including the miscellaneous estimates; 15 millions and a half being for the army, navy, and ordnance. In 1816, they were told they had not yet come to the full reduction of their peace establishment; and yet they had been going on increasing the amount every year since. He entirely concurred in the opinion that they would never make an impression upon smuggling, and reduce the expense of the preventive service, until they diminished the tobacco and brandy duties. As to the general commercial principles upon which the right hon. gentleman had acted, he gave him the fullest credit for their utility and liberality, and only wished him to carry them further. He must also say, that the promise held out to the West-India interests had not been redeemed. It was a breach of faith to the colonies not to put them upon a comparative footing with the general home trade. He was struck with two facts in the right hon. gentleman's statement—that whilst the general increase of the revenue amounted to 15 per cent upon some articles, and averaged 5 per cent on the greater number, yet that in the malt and tobacco duties the increase was only at the rate of 3½ per cent. He was quite persuaded that if the right hon. gentleman made the reduction in these articles 50 per cent, he would, out of the increased consumption, preserve a revenue equal to the present, and at the same time save an enormous expense to prevent smuggling. The sinking fund was at present quite a delusion, and he would, in a few days, demonstrate that fact to the House.

Mr. *Huskisson* said, it was a subject of much congratulation to his right hon. friend, to find the praise bestowed, from all sides of the House, upon the commercial principles on which he was acting, and the reduction of the public burthens which he had at the same time afforded. He was

glad to hear the hon. alderman say, in allusion to the trade in which he was engaged, that he had no fear of the foreign competitor. It was certainly not necessary for the British miner, that the foreign duties should be upheld; nevertheless, they had a tendency to keep up a great fluctuation in the market-price, which interested the manufacturer in a serious degree, and incidentally the shipping interest. It must be recollected, that the superior quality of some foreign iron rendered it essential for the British manufacturer, in the wide range of many of his improvements. He entirely concurred in the propriety of a revision of the whole of their prohibitory duties, for the purpose of rendering them better adapted to the real commercial protection of the country. With respect tot he West-Indian interest, it was quite impossible to retain the sugar bounties, which had no other operation than to raise the price and impose a useless tax on the consumer, without benefiting the colonies. The reduction on the coffee duties would, he had no doubt, be found very beneficial. He remembered that when he had been the means of reducing the coffee duty from 2*s.* 4*d.* a pound to 4*d.* only, the larger consumption immediately augmented the previous amount of revenue. This would be not only an advantage to the country, but also to the West-India interests, who must, besides, sensibly feel the reduction in rum from 10*s.* 6*d.* to 8*s.* He admitted the present extent of the smuggling traffic in brandy, hollands, and whisky; but the committee must see that the reduction in British spirits would repress the contraband trade in hollands and brandy, and give fairer play to the rum and home trade. Then, as to rum, the hon. gentleman intimated, that unless, the duties on rum were lowered to that of British spirits, there would be no consumption of rum. The fact was, that rum had always been at a higher duty; and therefore any argument so founded must fail: while, on the other hand, the duties on rum had always borne a comparison rather favourable to that article when considered in reference to other spirits not of British manufacture. The hon. member for Bristol complained of the remaining effects of the restrictive system. He hoped to give that hon. gentleman and the House, a large measure of relief in regard to the restrictions in our colonial mercantile policy, before the end of the sessions. In answer to the observations of the hon. member for Aberdeen, with respect to the duties on tobacco, however he might be disposed to coincide with them, he must remind that hon. member of the caution given, in homely phrase, by his right hon. friend—that "you must not ride a free horse to death." Did the committee consider what would be the effect of reducing, as had been proposed, the duties on coals, half the duty on malt, and two-thirds of the duty on tobacco—the last of which amounted to three millions of itself? Must not the country feel deep alarm at a sudden reduction of the revenue to that amount? He concurred in the propriety of reducing the tobacco duties, so that the revenue might be benefitted by the increased consumption to the amount which would be lost by lessening the duties. But, the hon. member should remember, that the country only possessed a given power of consumption; and nothing could be so visionary as to suppose that the government might with safety, at once, and without hesitation, remit all the duties upon every article which had a tendency to encourage smuggling or to check the consumption. He was not insensible to the evils of smuggling. But the government owed other duties to the public credit and to the general interest of the country, which prevented them from going further at present. He complimented the hon. alderman upon the spirit which he had shown in a case in which his interests were likely to be touched, and hoped that when he (Mr. H.) came to propose measures which would as greatly affect the interest of other members, he should find, that whether they dealt in tin, or copper, or brass, or any other commodity, they were ready to follow the hon. alderman's good example, and rely with the same confidence on the good intentions and wisdom of the government.

Mr. *Ellice* said, he was greatly, though not entirely, satisfied with the statements of the chancellor of the Exchequer. He agreed with the opinions of his hon. friend, the member for Aberdeen, about the sinking fund, but that measure ought to be discussed by itself. He was sorry that foreign iron should be the only article selected by ministers, out of the numerous others on which the duties were so high as almost to amount to a prohibition. Brass, lead, tin, &c. had thus risen to a price extremely disadvantageous to the consumer. It

was desirable, if possible, to get rid of the unequal duties imposed on the different spirits distilled in Scotland, England, and Ireland. He thought the West-India interest had been hardly dealt with. Though there might be some difficulty in granting them full relief, yet they were entitled to some consideration, and certainly something might be given them between the *5s.* duty on British spirits and the *8s.* duty on rum. He was also of opinion that the whole sugar trade required reconsideration; and though he was aware of the different views of the subject taken by what were called the West-India interest, he was convinced that nothing could be wiser than applying to that particular article the general principles so happily applied in other cases. The system of restriction, the exclusion of East-India sugar, and other impolitic regulations, were as prejudicial to the West-India planters, as they were at variance with wise and beneficial principles. While all Europe continued to be consumers of sugar, the price of the article in the British market would be regulated by the general price of it in every market of the world, so long as we continued to produce one pound above our own consumption. The trade might be thrown open, and an ad valorem duty and ad valorem drawback established, with greater advantage to the West-India interest than was afforded by the present system of illiberality and restriction. For instance, while the British refiners were prevented from using Havannah, they could not produce so fine an article as could be manufactured at Hamburgh or Petersburgh, where the refiners had the opportunity of mixing and selecting the different kinds they required. Whenever the West-India interest were determined to improve their condition, they must do away with the whole system of restrictions. The right hon. gentleman had, he was happy to say, conferred a great benefit on the shipping interest. It was a wise policy; and he was certain, that placing the British shipping on equal terms with that of any nation on the earth, was the best way to secure our power. With such a protection England had nothing to fear. The duty on hemp had been hitherto a grievous burthen; and while he admitted the partial good that the repeal of that duty would effect, he would point out burthens equally oppressive to the British shipping. For instance, the heavy charges in all the colonies far exceeding the charges paid by any foreign shipping in their colonies, and which could easily be done away with, as they consisted of fees paid to officers, without any adequate service returned for them. He commended the attentions paid by the right hon. gentleman to the middling classes, by the partial repeal of the assessed taxes, and hoped that the same consideration would be bestowed on other points, where a small revenue was procured at the expense of the comforts of the many. If the right hon. gentleman continued to pursue that course, he would be entitled to the gratitude of all classes of society.

Mr. *Whitmore* wished to see the duty on East-India sugar placed on an equality with other sugar. He was sure we might look to that country for a great extension of our commerce, and that it was impossible this measure, which was one of justice, could long be delayed. He wished, before the duty on wines had been so much reduced, that it had been equalized on all wines. There was a system of monopoly existing in Portugal, which would completely deceive the calculations of the chancellor of the Exchequer. There was a more absurd monopoly of Port wine, than any he knew of. This was equally injurious to England and Portugal; and he hoped some endeavours would be made to get rid of it. The heaviest burthen, however, which the people of this country laboured under was the corn laws. He hoped, when he brought this subject before the House, it would meet that serious attention which its importance demanded.

Mr. *Bernal* wished to know if the right hon. gentleman had determined not to deviate from his resolutions respecting the duty on rum? He knew that particular interests must give way to general; but, in this instance, he thought the general interest would be advanced by consulting that of the West Indies. It was surely desirable that such a reduction of duty should take place in rum, as would place West-India and British spirits on an equal footing. Was it likely the poorer classes would purchase rum, on which the duty was *8s.* per gallon, when the duty on British spirits was only *5s.*? He would not dwell on the distresses of the West Indies; but it was well known that those distresses had been much increased by the rise in the price of many articles. Was it too much to press on the right hon.

gentleman a consideration, which would not injure the labouring population, but would be deemed by the West Indians as a bonus which they would gladly accept?

Mr. *H. Vivian*, referring to the reduction on foreign iron, wished to have such an equivalent, in the way of duty, for the produce of the Cornish mines, as would reimburse them for the difference of charges caused by taxation at home.

Sir *C. Forbes* was astonished, amidst all the reductions on articles of foreign growth and produce, that no reduction had been proposed on East-India commodities.

The *Chancellor of the Exchequer*, in reply to the suggestions of the hon. member for Rochester, wished to give a reason why he did not conceive rum entitled to an equal reduction with British spirits. The price of grain, from the natural operation of the corn laws, put the distiller under a necessity of paying a price for his malt, beyond that which he would have to pay if there were no such restrictions. In rum, the first material was not subject to that specific charge. The prime cost of the malt spirit was so much more than rum, that the latter article could more easily bear 8*s*. per gallon than the former could 5*s*. He professed himself, however, to be in no wise wedded to his own opinion; nor did he offer these propositions as if they could admit of no qualification. On the contrary, he courted the animadversions of members, on the introduction of the resolutions which it would be his duty to submit to the House.

The several resolutions were agreed to.

HOUSE OF LORDS.

Tuesday, March 1.

MINING SPECULATIONS.] Earl *Grosvenor* rose, to address their lordships, on the subject of some reports which had been circulated respecting himself. Their lordships were aware, that there were numerous Mining speculations afloat, which might be attended with ruinous consequences to many; and which, to the individual who had then the honour to address their lordships, had already occasioned some unpleasant circumstances. While he was in the country, he had been told, that it was confidently reported that he had made, by speculations in the mining projects, a sum of 60,000*l*. or 80,000*l*. He had positively denied this; but had met with persons who still gave credit to the report. When he came to town he found that the 60,000*l*. or 80,000*l*. had swelled to 160,000*l*.; which was totally false. He had mentioned the circumstance to the learned lord on the woolsack; and had stated, that he had no dealings whatever in any such speculations. Notwithstanding this, the report had gone on augmenting; and it had since been confidently reported, that he had cleared between 300,000*l*. and 400,000*l*. As such reports might lead incautious persons to speculate, it was the more necessary for him to guard them against it, by denying the truth of them. He had not engaged in any of these speculations, nor in speculations of any kind, for many years past. He thought it the more necessary to state what he had stated, because he was not unfriendly to bonâ fide speculations of the kind alluded to. When such speculations were honestly and properly conducted they might be a great advantage both to the individual and the public. When Englishmen carried their surplus capital, their talents and ingenuity, to other countries, they carried with them those moral feelings, and that energy of enterprise, which distinguished their countrymen; and they thereby promoted her advantage, by making her better known. He had found it necessary to say this much, to guard against its being supposed that he was inimical to bonâ fide speculations.

HOUSE OF COMMONS.

Tuesday, March 1.

LONDON WATER COMPANY BILL.] On the motion of Mr. Buxton, that the bill be now read a second time,

Mr. *W. Williams* moved, that it be read a second time that day six months, and referred the House to the report made by the committeee into the conduct of Water Companies, three or four years ago; he was happy to see the chairman of that committee in his place.

Mr. *Fremantle* said, that having been personally alluded to, he felt it necessary to say a few words. When he went into that committee, he was of opinion, that the conduct of the Water companies was extremely wrong: he thought they abused the public, and obtained too great a profit on their capital; but, after six weeks close investigation, he found he was wrong; that there was a plentiful supply of good water at a cheap rate; and that while the expense and risk were enormous, the profits were too small. There was no

capital in Europe better supplied with good water, and at a cheaper rate, than London. He thought that competition would be injurious rather than beneficial to the public, and therefore he should oppose the bill.

Mr. *F. Buxton* thought, that any measure, which had for its object the supply of good water at a cheap rate, could not be injurious to the public. An increase of population was the ground upon which a new Water company was established in 1810. That was an equally good ground at present; for in the fourteen years which have elapsed, there had been a proportionate increase of the population. A great deal had been said on the advantages and disadvantages of competition; and, although it was admitted to be beneficial to the public in all other undertakings, it was contended that in that most important necessary of life, water, it was prejudicial. The fact was this; that when, in 1810, competition among the Water companies began, the price of water fell 25 per cent; whereas, in 1815, when competition ceased, the price rose to the same amount. The hon. member then noticed the case of a schoolmaster at Stratford, who had been recently compelled to pay 200 per cent above the sum he formerly paid, merely because he had ventured to remonstrate against an advance of 100 per cent.

Mr. *T. Wilson* contended, that it was not fair to quote a particular instance as a proof of a general proposition. He was of opinion that competition was injurious in the cases both of Water and Gas companies. He therefore should resist the further progress of the bill.

The House divided: Ayes 69; Noes 30: Majority for the second reading 39.

CALL OF THE HOUSE.] Mr. Brougham moved, that the order of the day be complied with, and that the House be called over.

The *Speaker* said, there was no order of the day for calling over the House, but there was an order that every member should be in his place on this occasion. A difficulty would arise as to what was a strict compliance with that order. According to the letter, any attendance during the evening would be an attendance in fulfilment of the order. According to the spirit, the attendance must be on the subject of the hon. baronet's (sir F. Burdett's) motion. Under these circumstances if, early in the day, defaulters were proceeded against with severity, a member might be punished without committing an offence, according to the strict letter of the order. The spirit of the order had reference to the particular object which would become the subject of discussion before the House. The course generally pursued was, to call over the list of defaulters from time to time. That list had been already called over three times, and was very considerably diminished. It might be as well to call it over again, and to dot off those who were now absent; leaving it to the House to determine what ought to be done when the case of each particular defaulter was brought before it.

The list of absentees was then called over again.

ROMAN CATHOLIC PRIESTS—PETITION OF JOHN KIRBY.] Mr. *Brownlow*, in rising to present to the House a petition which he considered to be of great importance, begged to say, he had not the slightest wish to delay the consideration of that subject, which the hon. baronet, the member for Westminster, was about to bring before the House. It was a petition which came to him from the county of Kerry, at the close of the last session, and he could not conceive why it was placed in his hands. He had, however, employed himself during the vacation in examining its allegations, and found they were too well justified by the truth, to be passed by without consideration. It was the petition of John Kirby, an individual who had for fourteen years been a schoolmaster at Blenner-Ville, in the county of Kerry, and who had conducted himself, as appeared by the certificate of a parish priest annexed, in so exemplary a manner, as at one time to call forth the friendship and admiration of all his neighbours. The Hibernian School society had opened a school, of which the petitioner was appointed schoolmaster, in consequence of his good character. That school had not been opened many weeks, before there was a numerous attendance of scholars, and upwards of one hundred children were sent to it by their parents. In a short time after, the rev. John Quill, the coadjutor of the parish priest, called upon the petitioner, and told him to desist from teaching any more; alleging, that his system of instruction would tend to make the children Protest-

ants. The petitioner added, that in his mode of education he had no catechism, and the attendance of a priest in the school was at all times desired. He stated to Mr. Quill, that he was a Catholic himself, and that he was as unwilling as any Catholic to make proselytes to the Protestant religion; but he insisted on his right to exercise his own discretion for the purpose of obtaining his livelihood in an honest manner. The priest became enraged at this declaration, and went away, vowing revenge. On the Sunday following, in church, the petitioner was pointed out ironically, as a reformer of the Protestant religion; and the people were exhorted by the priest to shed their blood rather than suffer their children to be educated in this way; and the penalties of excommunication were denounced against those who should continue their children at the school of the petitioner. Soon after, the time came on, when the priests were receiving confessions. They then took an opportunity of advising the children to stay away from the school, and the curses of the church were denounced from the altar against those who continued their children at it. With these oppressive efforts continued against him by the Catholic priests, the ruin of the petitioner was soon completed; and in this respect, owing to their threats among his neighbours, he was obliged to leave his house and neighbourhood, and betake himself to other parts. Nevertheless, wherever he went, the influence of the priests had preceded him; and those who had been disposed friendly towards him, had withdrawn from him their friendship and assistance. Above all, he stated, that he was cruelly assaulted, and nearly deprived of his life, by a ruffianly attack on him by five individuals, because he had spoken against the parish priest, after he had endured from him all this oppression and persecution. Under the circumstances here detailed, the hon. member hoped the House would take such measures as they thought right, for the purpose of curbing and restraining the influence of the priesthood in Ireland. There were a great many more cases he could mention, where the priests were guilty of exciting personal violence towards schoolmasters, and stirred up the populace under them to commit outrages against those whom they thought fit to proscribe.

Mr. *Frankland Lewis* concurred with the hon. member in deprecating the conduct pursued by the priests, in this instance, against the petitioner; and believed that hundreds of instances existed of a similar nature. It showed a great struggle, on the part of the Catholic priesthood, on the one hand, to resist and oppose a particular religion; and the laudable endeavours of a particular society, on the other hand, to promote that which they conceived would be beneficial to the people in Ireland. Now, in the last session, an Address was moved on the subject, to the Crown, and a commission had been issued, on which he (Mr. L.) had the honour of serving. It was the duty of that commission to find a remedy for these grievances; and if a remedy could be found, it was useless to trouble the House with a detail of hundreds of similar instances of unjust persecution, every one of which he most sincerely deplored. He could only say he did not despair of finding a remedy, and when the commission had tried and failed, it would be time for this House to interfere.

Mr. *M. Fitzgerald* perfectly concurred in the observations of the hon. member who spoke last.

Mr. *Plunkett* complained, that the hon. member had brought down this petition, after having had, as he said, a year to consider of it, and examine into the truth of its allegations, for the purpose of producing an effect on the question which was to become the subject of discussion that night. He felt himself entitled to say, that the House was bound in justice, in candour, and in fairness, to suspend its judgment, until every gentleman had the same opportunity with the hon. member, of examining into the statements contained in this petition; and he hoped it would have the opposite effect to that which it was intended to produce.

Mr. *Dawson* thought his hon. friend, had pursued a course which was strictly parliamentary. He sent to Ireland to get information on the subject of this petition, and when he had got proofs, which warranted him in believing the allegations were well founded, he presented the petition. How would he have been situated if he had presented it, without being in possession of the facts of the case? He would then have been accused of practising a delusion upon the House.

Mr. *Grattan* said, that the question arising out of the petition appeared to be simply this, whether the Protestants were to teach the Catholic children, or whether

the priesthood were to educate their own flocks? In his opinion, this petition had been held over to have an effect on the question coming before the House that night; and that the case of a particular priest was thus introduced, to raise a prejudice against Catholic priests and their religion generally.

Sir *T. Lethbridge* conceived, that the hon. member who had presented this petition, was entitled to the best thanks of the House. Upon the great question which was about to be brought before the House, it was highly desirable that every member should hear all that could be said for and against the Catholics.

Mr. *Brownlow* said, he had thought proper to delay the presentation of this petition for the ascertainment of facts: but he begged to add, that at the commencement of this session, he was not certain whether he should present it or not; and that it was not until he received another application by yesterday's post, urging him to present this petition, that he felt himself called upon to bring it before the House.

Mr. *Bright* presented a petition from the merchants, traders, and bankers, of Bristol, on the subject to which the attention of the House was about to be called. The petitioners were persons of the greatest respectability. He was sorry he could not agree, to the full extent, with the petitioners. He was ready to admit Protestant Dissenters to an equal participation of civil rights, but he must take a distinction between the case of Dissenters and Catholics, when he looked back to the principles on which the revolution was established, which was emphatically a Protestant revolution; and when he considered the deplorable effects which the Catholic religion had produced in this and all other countries where it had predominated.

The several petitions were then ordered to be laid on the table of the House, and also to be printed.

ROMAN CATHOLIC CLAIMS—PETITION OF THE CATHOLICS OF IRELAND FOR AN EQUALIZATION OF CIVIL RIGHTS.] Sir *Francis Burdett* said, that, before he brought forward the important question which stood for that night's discussion, he had a petition to present for the Catholics of Ireland, praying for an equalization of civil rights with his majesty's other subjects, which was signed, as he was informed, by a greater number of persons than had ever signed a petition on any former occasion.

The petition, which formed a roll of parchment, measuring two feet in diameter, and when opened about a hundred feet in length, was read by the clerk, and ordered to be printed. It purported to be the petition of the Catholics of Ireland; and set forth,

"That the petitioners, his majesty's most faithful and dutiful subjects, Roman Catholics of Ireland, approach the House with sentiments of respect and confidence, and beg leave firmly, but respectfully, to press upon the attention of the House their claims to relief from the operation of a penal and exclusive code of laws, by which they are unjustly aggrieved and degraded in this their native land; the relief the petitioners seek is plain and distinct; they ask for emancipation, that is to say, for an equalization of civil rights with all other classes of his majesty's subjects; the grounds on which the petitioners seek this relief are also plain and distinct; they are these: 1st. The petitioners seek it on the score of justice and right; 2nd. The petitioners seek it upon the faith of a solemn treaty which has been faithfully performed by one of the contracting parties; for, may it please the House to understand, that they deem it due in justice and of right to all classes of his majesty's subjects, to be allowed to worship God according to the dictates of conscience, in purity and sincerity, without being subjected thereby, or by reason thereof, to any pains, penalties, or privations whatsoever; this principle, which the petitioners respectfully put forward for themselves and for their own advantage, they do also firmly assert, for the benefit of all other denominations of christians, being thoroughly convinced that it is equally inconsistent with religion and charity, to use force or fraud in order to prevent or control the public profession of that christian faith which is conscientiously and sincerely believed; the petitioners beg leave further, and with great respect to state, that this principle, which they thus assert, is that upon which the glorious revolution of 1688 was founded; the effect of that revolution, it is true, was to give in England a victory to the Protestant church, and in Scotland to the Presbyterian church, but in Ireland to give a triumph to a small and virulent faction; yet the sound principle upon which

the great and illustrious persons acted, who guided and conducted that revolution, was that of freedom of conscience; that revolution was a deviation from the ordinary rules of the constitution, in order to preserve the spirit and object in which, and for which, British government was formed, namely, that of promoting the welfare of the people; the great majority of the people of England at that time professed the Protestant form of worship; the people of Scotland almost universally professed the Presbyterian faith; the latter had long endured violent persecution on that account; it was known, or at least it was believed, that the second James would have continued (for he could not embitter) the persecution in Scotland; it was feared, and perhaps believed, that the second James would institute a similar persecution in England; the people, therefore, vindicating the principle of freedom of conscience, rose in the peaceful exertion of natural strength, and using the gentle term of "abdication" effectually dethroned the king, from whom they feared a violation of the principle of freedom of conscience; it is true that the revolution in Ireland produced effects quite anomalous; in Ireland the people were almost all Catholics, but in Ireland the religion of the people was oppressed by that change, and the faith of the few cherished and promoted to the exclusion of the nation at large, but this anomaly affords no proof to detract from the principle which created the revolution in England and Scotland; it would be indeed melancholy, if the many anomalies, from constitutional principles, which the said history of Ireland furnishes, were to be used to subvert or contradict those principles; it is also true, that their ancestors, at the period of the revolution, adhered with desperate fidelity to the reigning family; they were punished for their adherence to the doctrines of legitimacy, which consider the right of hereditary monarchs as indefeasible, doctrines which are become at present but too prevalent amongst many who are opposed to their claims, whilst the petitioners, the victims of such pernicious doctrines, do not only distinctly disclaim and reject such slavish notions, but proclaim, and in the strongest terms, consistent with their unfeigned respect for the House, insist on the sacred principles of civil and religious liberty, which declare all the powers of government a trust for the benefit of the people, and give to every human being the invaluable right of worshipping God according to the sincere and honest dictates of his conscience; the petitioners do therefore most respectfully claim from the House, the right so to worship their God; they do most respectfully claim to have religion unfettered and conscience free; the petitioners do therefore most humbly submit, that to force conscience is not religion but tyranny, not christianity but injustice; may the petitioners be permitted respectfully to ask, whether there be a single individual in the House who would not in his own individual instance feel that it would be a grievous injustice to punish him (and an exclusion from the House is surely a punishment); that the petitioners repeat it would be a grievous injustice to punish him, merely because he should refuse to disclaim religious tenets, which he believes to be both true and important to eternal salvation; the petitioners beg leave most respectfully to state that such is their decided opinion, and they most humbly submit, that a course of proceeding which would be unjust if applied to every or any member of the House, must be equally so where practically applied to seven or even six millions of faithful and dutiful subjects; upon the principle, therefore, of freedom of conscience, do the petitioners rest their claims to relief; upon the right to worship God as reason warrants, and conscience dictates, do they respectfully request the attention of the House to their situation; the petitioners cannot bring themselves to believe that an assembly of Christian legislators will, at this period, continue a system which is founded on the assumed right to legislate over opinion, and to use compulsion against conscientious belief; having thus respectfully relied upon the right of every subject to freedom of conscience, a right which the theory of the Protestant religion appears to have consecrated, as the profession of that faith certainly does assert this right, the petitioners may be permitted to abstain from resting their claim to relief upon any other or additional foundation, but they owe it to the House to state, that the Catholics of Ireland have a peculiar claim to emancipation, that is, to the enjoyment of civil rights, upon an equal footing with their Protestant fellow-subjects; it is a right derived from the hitherto unobserved faith of a solemn treaty; the treaty they allude to is the treaty of Limerick;

that treaty was entered into deliberately, solemnly, and for valuable consideration; advantages were stipulated for, at both sides; all those which were bargained for by the British government were all obtained; there cannot rest the slightest suspicion of any breach of faith on the part of the Irish Catholics; the principal advantage stipulated for on the part of the Irish Catholics was liberty of conscience; this right was expressly allowed and solemnly promised, subject to no other condition save the taking an oath of allegiance to their majesties king William and queen Mary, and their successors; an oath which the Irish Catholics have been always willing to take, and the obligation of which they have always observed; is it permitted the petitioners to ask, whether this solemn treaty has been duly fulfilled on the part of the British government? alas! whatever pretexts may be used to justify its violation, the fact that they are now humble petitioners at the bar of the House demonstrates that it has been violated; the petitioners are convinced that the House is too just to allow it to be asserted that the treaty of Limerick was a treaty with rebels in arms, and that therefore it ought not to be observed; even if it were conceded that the Irish were rebels yet the British government which treated with those rebels would not and could not be at liberty to violate its engagements; that they were rebels might have been a reason for not treating with them at all; it could be no reason why they should be cheated or defrauded by solemn, but violated engagements; the petitioners therefore omit any discussion upon the fact, or the law of rebellion; however the petitioners are bound to remind the House that Ireland and England were in the seventeenth century separate and distinct kingdoms; and that although the two Houses of parliament in England did, as they then had a right to do, displace one king and thereby alter the succession to the throne, yet the Irish parliament, with him who was king "de facto" at their head, adhered to the party to which the Catholics of Ireland had, in the excess of absurd loyalty, devoted their lives and fortunes; these considerations may mitigate the charge of rebellion, and justify altogether (if justification be necessary) the British government for entering into the treaty of Limerick; the petitioners now most respectfully and humbly petition for the performance of that treaty; it has been violated, grossly violated; the petitioners do not pronounce any censure on those who first violated it, nor do they demand any punishment on those who continue its violation; their humble petition is confined to the respectful prayer, that this solemn treaty may now at length be honestly fulfilled; the petitioners respectfully submit, that there cannot be offered any fair or just reason why it should not be fulfilled; many years, it is true, have elapsed since it was entered into, and during which it has been violated; but there is no statute of limitation for crime; injustice does not improve by age, and the iniquity which was perpetrated in a former century does not palliate, much less justify, the continuation of the evil in the present; the petitioners therefore most humbly implore the House to do justice to the Irish people, to vindicate the high character of Britain from a stain, and to set the noble example to the world of declaring that faith once solemnly pledged is inviolable, and that no reasons of state policy, or motives of religious prejudice, can sanction the violation of plighted national honour; and the petitioners humbly implore the House to consider, that all reasons of state policy are favourable to their claims; the concession of Catholic emancipation would be the first great step to conciliate a long-oppressed and much-injured people; its natural and inevitable tendency would be, to secure the throne, increase the strength and consolidate the resources of the empire; it would give to religion the sacred character of charity, to the state the proud boast of liberality; it would give to the people peace and tranquillity, and to the government additional means and perfect security; there is no reason of state, why the penal and restrictive code should be continued; no statesman can define a rational object for its continuance; in truth, what rational object can be attained by continuing this code? what reasonable purpose is to be achieved by its continuance? is it intended thereby to diminish the number of Catholics, and to increase that of Protestants? if that be the object, it has hitherto totally failed; the relative number of Catholics has, under the present system, greatly increased; the positive number of Catholics is enormously augmented; it is perhaps too low to calculate the Catholics at seven millions; they already constitute full one-third of the population of the British em-

pire; the Catholics are much more numerous than any other sect or denomination of Christians in the British empire; they are more numerous than the professors of the faith of the established Church of England and Ireland; they are infinitely more numerous than the members of the Church of Scotland; they are beyond any comparison more numerous than the Quakers, or Methodists, or Independents, or Baptists, or Seekers, or any other particular denomination of Christians; they are also out of all proportion more numerous than the Unitarians, who have rejected some of those tenets of Christianity which are avowed as of the most sacred importance by the established Churches of England and Scotland, and who have yet been deemed worthy of the humane attention of the legislature; whilst the petitioners, who agree with them on those most important sacred tenets, the Roman Catholics, who profess the ancient religion of the land, who profess the faith which our ancestors, as well as theirs, professed; the Roman Catholics who have never embraced or exchanged new opinions; the Roman Catholics who cannot be accused of the guilt of any species of new inventions, but have merely clung to old and long cherished establishments, they alone are excluded and degraded in this their native land, whilst every other sect and denomination of Christians, already formed, or which may yet be formed, are placed by the laws in force in Ireland, in a state to enjoy all the political blessings of the British constitution; the continuance of the present system is not calculated to diminish the number of Catholics, on the contrary, they are bound by truth to state that its natural tendency is to increase their numbers; man naturally abhors persecution, and cherishes with increased affection the doctrines for which he is persecuted; this affection enlivens devotion, stimulates zeal, and gives the courage and perseverance of martyrs, to persons who might otherwise be cold, careless, and indifferent; besides it enlists prejudice and even passion at the side of the persecuted; and it makes a perseverance in the persecuted creed a matter of pride and honour, and renders a defection from it an object of disgust and contempt; these are truths confirmed by all history, sacred and profane, and without abandoning (although the petitioners do not offensively urge) other and more important advantages, which they conscientiously believe their sacred religion to possess, the petitioners yet appeal to the judgment of every member of the House, whether the rapid increase of Catholics in the British empire does not furnish another and an equivocal proof that penal and restrictive laws do not diminish the number of those against whom they are levelled; the petitioners therefore most humbly implore the House to take their claims and rights into its most serious consideration, and to reflect, that no fair or rational object can be attained by continuing the present restrictive laws; that whilst those laws tend to increase, and certainly do not diminish their numbers, they foment and continue dissention, division, and distraction amongst his majesty's subjects, they diffuse a bitter poison into the sweet charities of private and social life, they engender hatred and animosity amidst public transactions, they lessen the respect that ought to be paid to the laws, they pollute the fountains of justice, they diminish the safety of the throne, and if persevered in, must, as the petitioners most respectfully and humbly submit, lessen the resources and diminish the security of the empire; the petitioners do, as loyal and faithful subjects, implore the House, to put a period to these evils, and by doing a great and substantial act of justice, secure for ever the stability of the throne, and of the glorious British constitution; May it therefore please the House to grant to his majesty's most faithful subjects, the Catholics of the British empire, an equalization of civil rights with his majesty's other subjects."

Ordered to lie on the table.

ROMAN CATHOLIC CLAIMS.] Sir *Francis Burdett* rose, and addressed the House to the following effect:—

Sir;—Filled as my mind always is with anxiety and apprehension, whenever I am called upon to address this House, never did I feel that anxiety and that apprehension in so strong a degree as at the present moment, when a duty is imposed upon me, which I cannot help feeling I am unable adequately to perform, and which I should unquestionably have been anxious to decline, could I have done so, without the appearance of a desertion of my duty and principles—without the appearance of my not having that warm and zealous feeling in the cause of the Catholics, which I will venture to say, no gentleman in this House—no gentleman in

any part of the united kingdom—entertains with more heartfelt earnestness and sincerity, than I do. When, however, I call to mind, Sir, the phalanx of splendid talent which, in times past, has been exercised in support of the present question—when I call to mind those great and eminent men, those venerable names now no more, whose eloquence and genius and intellects have been marshalled in support of it—when I call to mind, that the brightest talents of the present day have been, and will be, within a few hours, again drawn forth in the same cause—when, Sir, I consider all these things, it becomes impossible for me not to feel, in the midst of all my anxiety and apprehension, considerable consolation in the reflection, that every defect on my part will be more than compensated by the abilities of those who surround, and will support me; and that my cause—the cause of the Catholics of Ireland—of itself alone strong enough to bear up the weakest advocate—will be brought, and on the night on which I am speaking, to a favourable issue. It is, still further, a source of great consolation to me, in casting my eyes on every part of the House, to see men the most enlightened, and in possession of the best information, as anxious to promote the great cause, as I myself can possibly be; and, perhaps still more so, to know, that the brilliant talents of many right hon. and hon. gentlemen on the opposite side of the House, which have so often been exerted against the feeble efforts that I may have been led to make, will, upon this occasion, be zealously exerted, to give strength to my arguments, and to repair any defects of which I may be guilty.

Sir, the petition which I have just had the honour of presenting to the House—large and bulky as it is in appearance, and numerously and respectably as it is signed—is but a "trifle light as air," an atom of the smallest magnitude, when considered with reference to the immense body of the people of the united empire, whose interests it represents; and of which the full figure, if signed by all those whose interests are deeply involved in its success, would have been so tall and so gigantic, that even the roof of the English House of Commons would scarcely have been lofty enough to contain it. The case, Sir, is one of the greatest magnitude. We shall form nothing like a just estimate of the importance of this question, if we merely consider it as one exclusively involving the interests of the Catholics—as one exclusively involving the interests of the whole population of Ireland. The question to which it applies is one which affects no partial interests, but the immediate welfare, and, I may say, the safety of the British community at large. Of such vast and momentous importance did I feel it to be, that I should almost have shrunk from undertaking the duty which now devolves upon me—and should still be inclined to do so—if I did not feel myself supported by the encouraging reflection to which I have just alluded.

Sir, the grounds upon which the petitioners come before the House, appear to me so strong and so irresistible, that I can scarcely frame to myself the nature of the objections that are to be raised up against them. Upon every principle of justice—upon every motive of sound policy—upon every ground of strict right, good faith, and honour—upon all these grounds, Sir, it appears to me, that the Catholics of Ireland stand before the House in a way which renders it utterly impossible that the prayer of their petition should be rejected.

I am extremely anxious, Sir, at the present moment, not to weary the House by a recurrence to any of those painful topics which have recently been under its consideration. And, above all things, I shall endeavour to touch upon no topic—upon no point—which can, by possibility, excite, in the mind of any person, the least angry feeling. On the contrary, it shall be my endeavour, so to advocate the claims of the petitioners, as to conciliate the minds of all men; and, earnestly do I implore those around me, of whatever side and party they may be, to merge for a moment every private and particular feeling, in their anxiety for the public interest, and to consider only by what course the great interests of the empire at large are most likely to be served, and consolidated. With this object constantly before me, I shall cautiously avoid every thing in the shape of a retrospective view. I will not, with unhallowed hand, tear open the wounds of Ireland. I shall do all that in me lies to conciliate the people on the one hand, and the persons who are opposed to them on the other; and I shall endeavour to show, that it is equally the interest of both, to put an end, at once and for ever, to a state of things, which is calculated only to perpetuate dissention.

Sir, partly from the conciliatory con-

duct of the existing government, by liberalizing (as was well observed the other night, by the Attorney-general for Ireland) the old policy which was pursued in that country; and partly, perhaps, from other causes, Ireland may have attained an unusual state of tranquillity. Still, Sir, it is quite irrational to suppose, that this calm can be, for any length of time, maintained, until justice be done to those who now come with their petition before you—until full and ample justice be done to those, whose claims are alike founded in policy and in reason.

Now, Sir, with respect to this claim of justice: it should be recollected, that, at the period of the Revolution, when there really was danger to be apprehended from the Catholics—when a king had recently been expelled from the throne, because he was endeavouring to subvert the constitution, and introduce principles of arbitrary power — when the government of king William was but newly-established — it should be recollected, I say, that, even at that period, the hostility entertained in this country to the members of the Catholic persuasion, was not a religious hostility. It was the connection of that religion with principles of arbitrary power, which made the Catholics obnoxious; and a distinction was then, as at all times, taken, between the state Catholic, and the religious Catholic. The latter was always safe: whilst the former was an object of great suspicion and hostility; because he was believed to be in constant correspondence with the See of Rome, the Family which had been exiled, and the Catholic powers of Europe. Under a government newly established, with a Popish pretender supported by foreign princes abroad, it is not at all wonderful, that the hostility of our forefathers should have been roused and excited against the Catholic religion: but that hostility was excited, and naturally excited, because they were led to believe, that the religion of the Catholics was inseparably connected with arbitrary principles, with slavery, and the utter subversion of a free constitution.

Sir, in those times of difficulty and danger, after king William had made good his footing in this country, and James 2nd, expelled from the throne, had fled to Ireland—to the protection of his subjects there—those subjects did not think themselves at liberty to renounce their allegiance to him; and, being honestly of that opinion, they considered themselves bound, as loyal and faithful subjects, to defend him. They were any thing but rebels. If rebels there were, we, Sir, were the rebels—we, in England: but, I own, justified rebels—justified in defence of our rights, our religion, and our constitution. Neither were the people of Ireland rebels; as they have been unjustly designated; but loyal men, who, in defending their legitimate sovereign, were, at the same time, maintaining their own individual rights. The people of Ireland fought many battles; and shewed great courage, and invincible bravery, in his cause. The army was intrenched in a strong hold, from which it would have been difficult to dislodge them: but, at length, they lost their esteem for king James, in consequence of that monarch's desertion of them, and of himself; while, perhaps, they acquired, at the same time, some respect for the character of king William, who had distinguished himself by qualifications of a very different description. The country was, at that time, in a divided state. Louis 14th was at the head of the powers who supported the pretensions of James 2nd; and, at this critical juncture it was, that king William, in order to pacify Ireland, sent over commissioners, with full and unqualified instructions to grant her any terms, in order to put an end to so dangerous a war, and secure the peace and tranquillity of that country.

Under these circumstances of difficulty and of danger to the newly-constituted government, what, Sir, was the conduct of the Catholics of Ireland? They entered into an agreement, treaty, and covenant, that, provided liberty of conscience —that is to say, the free and unconstrained exercise of their religion; together with all the other advantages possessed by the rest of the king's subjects—were secured to them, they were ready to submit. And, upon this being solemnly guaranteed to them, in the name of king William—though it was notorious at the time, that a French fleet was advancing to their aid, and though that fleet had actually entered the Shannon before the treaty was ratified —they preserved their good faith, surrendered their arms, and put it out of their power to become ever again formidable to England. It is, too, a curious fact, that one of the conditions of this memorable treaty was, that they were not to be compelled to take the oath of supremacy.

They were to be admitted to all the rights enjoyed by English subjects; and were not to be subjected to any disabilities, for adhering to the religion of their forefathers. Indeed, Sir, there were not wanting many adherents of the new establishment, who thought the terms conceded to the Catholics of Ireland too good, and who endeavoured to raise objections to them: but they could never persuade parliament to reconsider them, and the treaty of Limerick was, in consequence, fully ratified and confirmed. By this treaty king William, relieved from his embarrassments at home, was enabled to consolidate the whole force of the empire, and successfully to resist the ambition of Louis 14th.

Now, Sir, of all the infringements upon the treaty of Limerick which have since been made, experience has proved, that not one of them can be held to have been taken as a security; seeing that, in the moment of danger, the people of Ireland have never been found wanting. It was in the hour of triumph and security, that the angry passions of an interested faction were triumphant. Infractions of the treaty then followed, by degrees, one after the other: each infraction constituting an attack upon all honour and good faith; and the whole ending by imposing upon the Catholic population of Ireland, a set of laws the most sanguinary and cruel—breathing a spirit of tyranny the most detestable, and imposing a yoke the most heavy, that ever weighed down the necks of any people of any country on the face of the globe. But, Sir, unjust and cruel and unwarrantable as these laws were, they were not so unwise as they were wicked. The effect of them had been to bend the people of Ireland to the earth; and if they had been persevered in, doubtless they would soon have left England without any thing to dread, in the way of disturbance, from the Catholics; for, if followed up, they would inevitably have succeeded in extirpating the whole body; and, however wicked, and tyrannical, and murderous, such a course would have been, there would have been something like common sense and meaning in it. But, in better times, the establishments of later days had deemed such a course too revolting to be persevered in. By degrees, those severities were relaxed; and I could wish the Catholics never to forget, that, year after year, they have been receiving benefits from this country—benefits to which, no doubt, they were entitled; but which, nevertheless, they would do better to bear in mind, than the remembrance of the grievous injuries which have been inflicted on them. I could wish them to carry their views a little further, and see how certainly—how necessarily—that system of conciliation, which only commenced in the last reign, will, sooner or later, be accomplished in the present. I could wish to talk to the Catholics of Ireland, of the good done to them by their friends, and of the very mitigated rancour of those who, in former times, were their most determined enemies. I could desire to impress upon them, the absolute certainty of the final success of their claims—firmly resting, as those claims unquestionably do, on reason, sound policy, justice, and good faith. If, Sir, the Catholics of Ireland will but so far keep a restraint upon themselves, as to make the best use of all the advantages held out to them—if they will but exert themselves to forget old injuries—injuries which now bid fair to cease for ever—if they will only use common forbearance, and prudence, and discretion—I think it quite impossible, Sir, that their claims should not be successful. With only a reasonable portion of care—I repeat it—their cause, both out of doors, and in parliament, must triumph: for they may feel the most perfect assurance, that, unless the peace of the country should be disturbed, the enlightened mind of the people of England is making a rapid progress in their favour.

Therefore, Sir, in bringing forward the present question, I do not consider myself, at the present moment, as the advocate peculiarly of the people of Ireland: still less do I consider myself the advocate of the Catholic religion: but, though I am not the advocate, neither am I the adversary of that religion, nor the adversary of the various descriptions of religion, which different men according to the different notions and inclinations of the human mind have embraced. My own opinion, Sir, is, that all forms of religion are right—equally right—provided the persons professing them follow them with sincerity of heart; and provided they inculcate sound morality, and produce visible fruits, in the virtuous life and conversation of those who adhere to them. Now, that the Catholic religion can furnish as abundant proofs of good faith as any other system with which we are acquainted, I am fully persuaded. At the same time,

for myself, I have no hesitation in saying, that, bred up, as I have been, in the religion of the Church of England, — (and that I consider as ample reason as any man can be called upon to give for his adherence to any particular faith) — I am attached to that Church, because I was born in it. And further, upon reflection I do think, that if I had to choose my religion again, the Church of England, of all others, is that which I should adopt. But, Sir, when I state this, I by no means mean to assert, that the Church of England is not open to objections, or that many things embraced by it, might not be altered and modified with great propriety. My opinion applies to the system, as a whole. And with respect, Sir, to the clergy of the church of England — (I may be partial, though I believe I am not) — I have no hesitation in declaring, that the conviction of my mind is, that a more enlightened, liberal, virtuous, and useful body of men does not exist, in this, or in any other country in the world [hear, hear!]. I wish, however, to be understood, as not embracing in this class the ecclesiastical corporations — which, like all other corporations, invariably exhibit, at all times and under all circumstances, the same uncharitable, narrow-minded, monopolizing spirit. If, however, I am a member of the church of England, it behoves me, Sir, to remember that my first care should be, not to forget one of her first precepts — to "do unto others, as I would that others should do unto me." And, moreover, I have further to remember what the constitution of my country teaches me; namely, that all men bearing an equality of burthens are, in a free state of society, entitled to the enjoyment of an equality of rights [hear, hear!] Upon these two grand axioms do I fortify myself. On their authority I contend, that, so far from this being a Catholic question, the Catholics themselves stand upon a Protestant principle; and that I am now maintaining their claims, upon the very principles which assured the security of England.

And, upon this subject, Sir, it is singular enough to remark the sort of change which has taken place in the views and situations of the parties. For we find, that those same men who formerly rejected Catholicism, on account of the alleged illiberality of its doctrines, are now acting upon the very principles they opposed, and refusing to proceed in conformity with their own; while the Catholics are asking for nothing more than what the Protestants first desired — namely, that we should deal out to them the principle of constitutional and religious freedom [hear, hear!].

We have heard much, Sir, of the danger to be apprehended from granting to the Catholics that which they desire. I cannot, however, but imagine, that there is some incongruity in the existence of such a feeling. What the apprehended perils are, I confess I have never been able to find out. But this, perhaps, is not very extraordinary; seeing that people are not unfrequently alarmed, without knowing very distinctly what at. The very mention of his holiness, the Pope of Rome, seems to raise, in the minds of some men, images of horror—half historical, half romantic—which have nothing to do with the world as it now exists. Their terrors have been extracted out of books, which, in early life, prejudiced their minds so deeply, as to impede their progress; and they foolishly think, because their own minds have stood still at a particular point, that the Catholics of the present day are the same persons as the Catholics of whom they read in history. Whereas, in point of fact, all those absurd notions have no more to do with the present state of the Roman Catholic religion, or the state of this world at all, than it has to do with that of the next [hear, hear!].

Sir, in discussing this question, the great difficulty we have to contend with, is that of having to encounter perverted understandings. It has been said by a favourite poet—

> where Ignorance is bliss,
> 'Tis folly to be wise."

And most certainly, Sir, in this instance, the grossest ignorance must be bliss, compared to the misfortune of having the mind imbued with a mass of antiquated tales and prejudices—greatly exaggerated, perhaps, at the times at which the statements were made, and which have no longer any existence, or chance of future existence, whatever.

Now, Sir, a curious example of this failing, is to be found in the fears entertained of the power of the Pope — concerning whom, a gentleman, coming up to me the other day, expressed his great alarm. It seems to me not a little extraordinary, that his majesty's government, or at least that portion of it who are hostile to the claims of the Catholics, on

the ground of this apprehension of the power of the Pope—it seems to me, I say, Sir, not a little extraordinary, that they should be the very persons, who, not many years ago, expended in profusion the blood and the treasure of this country, in order to reinstate that potentate in the very place in which they now think fit to be afraid of him. He was found in a state of the lowest subjection: and, at the moment when his power was literally overturned, he was replaced in his authority, by those very servants of his majesty, who now profess to be so mightily alarmed at his shadow. Surely, Sir, it is not a little unreasonable in the right hon. gentlemen, first to raise up this phantom, and then to go out of their wits with terror at it! If, indeed, there existed now, as was the case at a former day, a league of Foreign Catholic princes abroad, caballing with a Catholic king of England at home, to subvert the liberties, through the religion, of the country—if Sir, there existed any danger of this description at the present day—then, perhaps, there might be some ground for apprehension. But, if any danger has been re-created by the re-establishment of the Pope, why then, I say, Sir, that that portion of his majesty's cabinet ministers deserve to be impeached for having created the danger, by contributing to the consolidation of the papal power. They themselves are the authors of the existing continental system. They it was, who caused English soldiers to mount guard at the Vatican, to protect and do honour to the dignitary, who is now the object of their alarm; and allowed those soldiers to receive medals from him, in token of the service they had performed. What a mass of monstrous inconsistencies is all this! What a premunire have these right hon. gentlemen drawn themselves into—if, at this time of day, we are to be told, that there is so much danger in the papal authority, that, to avoid that peril, we have no other choice but to keep six millions of people in a state of hostility against us, discontented—and justly discontented—with their condition, when we might, by a wise and liberal and generous policy, permanently secure the tranquillity and safety of the kingdom at large! The peril, forsooth, from the Pope, is so imminent, that it is better, in the eyes of these right hon. gentlemen, to meet the hostility of the six millions of the people of Ireland, than to face it! Why, Sir, this certainly is a pleasant situation to be in! And that, too, at a time, when, we had assisted in the destruction of all the secondary powers of Europe—when we had given up all those minor States which England formerly was wisely accustomed to support, and, up to a certain point, always to rely on—when every thing like the balance of power had been destroyed—and when we had distributed out Europe among two or three great powers, who may, at any moment, take offence at our conduct; and who are not unlikely to do so, as often as we refuse to keep pace with the measures of their unholy alliance. It has been avowed, Sir, by the right hon. the Secretary of State for Foreign Affairs, that one of those potentates feels already galled, that England should have consulted her own interests, by recognizing the independence of the South American States. And we have so far obliged and cringed to another, as to allow him silently to lay violent hands upon Spain—to effect the military occupation of that country—a thing which England, at no former period of our history, would have suffered, for a moment. We are surrounded, Sir, by these holy allies, whose strength we have either created or upheld, by the loss of our best blood and treasure, and at the expense of the liberties of Europe. Those powers, Sir, every one of them, are objects of alarm to us, rather than security. And, yet, in such a situation it is, that England continues to reject, and cast from her, that best of all alliances, the firm adherence of her own subjects, by keeping six millions of men, close to her own shores, in a state of constant hostility to her government. Sir, this very neglect of Ireland—or rather this contempt of Ireland—for it is worse than neglect—affords a ready opening for the first of those holy allies, who shall find it convenient to do so, to invade her. Instead of finding Ireland—as they would find her, if England did her justice—an insurmountable barrier which our enemies would be unable to pass, she will become the readiest point of all others, through which they will be enabled to wound us. Why, then, expose her to be tampered with by those states, who would appeal to her through the medium of a common religion! Why not affix a barrier round that country which would exclude all foreign influence? If England be destined to sink, Ireland is the sea in which she will be swamped. "Holy Allies," Sir! Ireland is indeed worthy of English

alliance. Our "Holy Friends!" In the hour of danger we should call on them in vain. And yet we refuse—obstinately refuse—to make the best of leagues with the brave inhabitants of the sister kingdom —desirous of the alliance—anxious to be attached to this country, by an equality of rights and of benefits.

Can any man, Sir, repress his astonishment — can he account, on any principle short of miracle, for the fact — when he reflects on the hair-breadth 'scapes which England, during the late war, got out of, with regard to Ireland? Had, Sir, the French fleet which anchored in Bantry Bay been successful to a certain extent— had it not so happened that the commander-in-chief was separated from his forces— had it so happened that the second in command had possessed enterprise enough to land — Ireland was gone; and the Sun of England would have set, I fear, in eternal night. The failure of that attempt upon Ireland can only be attributed to the extraordinary ignorance of the enemy, with regard to the temper and the spirit of the people of Ireland. They did not know how to take advantage of the opportunity which was offered to them. But, Sir, we must not presume upon our good fortune. The ignorance which then saved us exists no longer. Since that period, the powers of the continent have had an extensive intercourse with us. They have been too much upon our territories to continue ignorant. I say distinctly, that they are casting many an anxious eye at Ireland. From time to time, they are reproaching us with our conduct towards that unhappy country. Several of their Court journals appear to take a most tender interest — a most sensitive interest —in her concerns. A variety of parties, with whom we may not always be on the same friendly footing that we are at present, have, on a sudden, become most seriously desirous to promote the welfare of Ireland. They dwell on her calamities and injuries: they reproach England with hypocrisy: they laugh at her sympathy for the negroes, and her desire to get rid of the Slave Trade: and protest, that there is not, in all the world, a tyranny so odious, as that which we exercise over our Irish Catholic subjects; nor any spot on the face of the globe, where men are subjected to such intolerable injustice and oppression.

Now, Sir, these benevolent intimations, with regard to Ireland, which we are constantly seeing in the French papers, are well calculated in themselves to excite suspicion in the breasts of Englishmen; and it becomes the first duty of the government to inquire how the impending evil can best be counteracted— to see what measures can be adopted to promote that consolidation of our resources, and that conciliation of all parties in the united empire, without which no man can answer for what may be the consequences, if this country should again be involved in a war with the powers of the continent. I would therefore, Sir, address myself to the feelings of men of all parties; and, founding the question upon policy and justice, I would appeal to their good passions as well as to their bad—to their feelings of patriotism as well as to their self-interest—and, whether worshippers of God, or worshippers of Mammon, I would tell them, that it was their interest, in this case, to do justice —immediate justice to the unfortunate people of Ireland [hear, hear!]. The claims of that people rest on the broad basis of justice—on a covenant—on all which ought to be held sacred between country and country—between man and man. If, indeed, there were any danger to be apprehended from fulfilling that contract, which, upon every principle of good faith we are bound to fulfil—still, even then, I would say, it was the height of irrationality not to complete the work we have already begun, and, by refusing to give something further, to lose the benefit of all that we have already given.

And what, Sir, after all, is it that the Roman Catholics of Ireland ask at our hands? What is the mighty increase of power which, if every thing they ask were granted to them, they would obtain? Why, Sir, a few most respectable Catholic gentlemen would, probably, have seats in the House of Commons—a few Catholic noblemen would be entitled to sit in the House of Lords—and the king would have his prerogatives so far enlarged, as to be empowered, provided he thought fit, to nominate Roman Catholic gentlemen to certain offices in the state. And, in point of fact, what substantial power would this right of eligibility confer? Does any gentleman now entertain any apprehension, that we should have a popish king using the power of popish election to overturn the liberties of the country? What, Sir, is the danger? I should like to hear it stated. For, until I

hear what the danger is, I really cannnot conceive what the views and the sentiments are, of those who set themselves up against the claims of the petitioners.

The present time, Sir, appears to me most peculiarly auspicious for taking the step, which the Roman Catholics of Ireland implore us to take. The public mind of this country is decidedly in favour of granting their claims. The larger as well as the better part of the Protestant population of Ireland, anxious for the prosperity and happiness of their country, have petitioned to have their Catholic fellow subjects admitted to the privileges of the constitution. There is only one small faction in Ireland which opposes itself to this wise and liberal policy; and that opposition arises from an unwillingness, on their part, to be deprived of the power which they have, for so long a series of years, been accustomed to exercise over their unfortunate Catholic countrymen.

And here, Sir, I must be allowed to do justice to those who, in Ireland, are called Orangemen. It was my good fortune, when in Ireland, to have had frequent opportunities of witnessing the conduct of Orangemen as well as Catholics. Both of them I have always found equally disposed to be kind and bounteous to their inferiors; and fulfilling alike the duties of good citizens. And it is a great mistake to suppose, that the gentlemen of Ireland are worse landlords or worse neighbours, than those of any other country. There may, certainly, be a low, pettifogging, ignorant class hanging about the system; but, Sir, the result of my observation is, that, with this single exception, a more liberal, a more kind, and a more excellent set of men does not exist than the Orangemen of Ireland. I speak of them, of course, subject to the exception of that unfortunate error in their education, and the right which they fancy they have, even by birth, to trample upon their Catholic fellow subjects: but, with this exception, I found them as kind in manner, if not more so; and at least as kind in the essential, as the gentlemen of England, or of any other country. But, it is high time for them to get rid of this exclusive spirit, which they have too much cherished—it is high time for them to consider only of the means by which the prosperity and the happiness of their native country can be best promoted—a prosperity in which they cannot fail largely to share. They should consider, that, by shaking hands with their Catholic brethren, instead of living in a society constantly tumultuous and distressed, they would behold wealth and tranquillity rising up around them, and superseding those measures of severity and coercion, which are at once the shame and the misery of every state in which they are called into operation [hear, hear!].

I beg also to address myself to the people of England, and to remind them how much and how deeply they are interested in the adjustment of this question, —Independently of the security of the country against foreign danger, and taking the question as a matter of economy, I would ask them to consider what it costs them to support this system in Ireland. I would ask those who pay the taxes to examine the expense attendant upon the present state of things. They talk of the necessity of taking off taxes: and the right hon. the chancellor of the Exchequer, in his statement last night, took credit for removing a portion of the taxes—a small portion, I admit, but still an important portion—because the collection of them was a source of vexation to the people. But here, Sir, you have an opportunity of effecting a much larger measure of economy. In Ireland —instead of thousands—millions may at once be saved by a change of system; to say nothing of the wealth which would necessarily flow into this country from Ireland, if the present mischievous, mistaken, narrow-minded, bigotted system, were exchanged for a more liberal and more enlightened policy [hear, hear!]. If tyranny, Sir, be a luxury, it certainly is a most expensive one. Of all the forms of government under Heaven, the most grinding and oppressive is that which is founded upon religions exclusive—and I will add, too, the most burthensome and costly. And all this expense, be it recollected by the House, comes out of the pockets of the people of England; who pay for the luxury of keeping Ireland enchained and miserable. How much more wisely, then, would the people of this country act—though, perhaps, they may not think so—in crowding the table of this House with petitions in favour of Catholic emancipation, than in praying for the repeal of a few hundreds of thousands of pounds, in the shape of Assessed taxes!

On the ground, therefore, of justice—

on the ground of good faith and sound policy—and on the ground of the pledge given by solemn treaty—for I never will abandon the treaty of Limerick—we are imperatively called on to grant the claims of the Roman Catholics of Ireland. The title to a free exercise of their religion, conveyed to them by that memorable treaty, has, moreover, Sir, been strengthened and confirmed, by the engagements entered into at the period of the Union. Those engagements, it is true, were not formally reduced to the shape of a treaty—they were not signed, and are not producible, like the former—but, at the period of the Union, the people of Ireland were induced to acquiesce in that measure; and all they have got in return is a mere parchment Union, one which, in point of fact, has left the disunion between the two countries even more wide and more open than ever. At the period of the Union the understanding was complete and distinct, that the Catholics of Ireland might expect from an Imperial parliament that justice, which they were sensible they could never look for from the narrow and corporate spirit of their own. Without this understanding, the measure of an incorporate Union would never have been carried. The people of Ireland were led to hope, that tranquillity, wealth, and prosperity, would follow in the train of that measure; and such, I am persuaded would have been the case, if good faith had been kept with the people of that country. The Catholics of Ireland, much to their honour, placed confidence in the promises then held out. Although constantly deceived, and, I am ashamed to say it, basely and treacherously dealt with, they still confided. Their hopes, however, have hitherto been blasted: but, until the promises then held out shall be fulfilled, by a yielding up to the Catholics of that which has been so long and so unjustly withheld from them, it will be idle to look for the benefits which were expected to flow from the Union of the two countries.

Sir; the right hon. the Attorney-general for Ireland has told us—and the assertion is quite in conformity with my own opinion—that the liberalized policy of the government of the marquis Wellesley, as far as it has gone, has produced the happiest effects in that country. Sir, when that noble lord was first appointed to the government of Ireland, I ventured to anticipate, that such would be the result of the appointment; and I am quite prepared to give the noble marquis full credit for the best intention to carry his measures of conciliation into effect; and that with his true, warm-hearted, Irish feelings, and his enlightened mind, he has endeavoured to change the policy of the government of Ireland, and directed his best efforts to amalgamate the dispositions, and unite the sentiments of the two nations, so as to make the people of Ireland feel, that the interests of an Irish province are regarded in the same light as those of Yorkshire or Lancashire; and which, in fact, is the only sound and true light in which the interests of that part of the United empire can and ought to be, considered: seeing that that which, heretofore, has been looked upon as the greatest obstacle to such a state of things, has, by the recent improvements of modern science, been almost, if not altogether removed.

Having, therefore, Sir, given the noble marquis credit for all those large and generous views and feelings of policy at the period to which I have alluded, I am, of course, now ready to give him credit for those acts of his government which the right hon. the Attorney-general for Ireland has referred to, and am disposed to believe, that his endeavours to liberalize the system hitherto acted upon have, in many instances, been crowned with success. The right hon. and learned gentleman has told us, that when the noble marquis undertook the government of Ireland, he found the vessel of the state a wreck upon the breakers, and that he enabled her to float upon the tide of prosperity that has since flowed in upon her. Let me then hope, Sir, that the government will not stop there—but that they will trim the rigging, set every thing to rights, and, above all, see that she be well manned, for any future contingency [hear, hear!]. I can readily believe, Sir, that great advantages have already resulted to Ireland from the government of the noble marquis—and that, whatever inconveniences the right hon. and learned gentleman may have been exposed to, in consequence of his accepting office—whatever sarcasms may have been directed against him on that account—though the inconvenience may have been his, the benefit has belonged to the people of Ireland. I trust the right hon. and learned gentleman will persevere; and I hope he will

be able to make a convert of a right hon. gentleman, who continues, unfortunately, opposed to the claims of the Catholics of Ireland. I trust, I say, Sir, that he will be able to make a convert of the only cabinet minister in this House, who has not been converted to my side of the question. For, in looking at the array of right hon. gentlemen opposite, I see, by the expression of their countenances, that four out of five of the cabinet ministers in this House are friendly to the principle of my motion. And, Sir, when I see this, and recollect that one of those right hon. gentlemen—the Chancellor of the Exchequer—who is one of the heartiest friends of the measure, was originally hostile to the claims of the Catholics—when I recollect this, Sir, I cannot despair of seeing the right hon. the Secretary of State for the Home Department the advocate of this great measure of conciliation. As the right hon. the Chancellor of the Exchequer is himself a convert, I hope he will endeavour to work the conversion of his only remaining colleague in this House in opposition to those claims; and that, by their united efforts, they will be able to give to Ireland the benefits of this all-important measure, and thereby establish the security of this country, restore tranquillity to Ireland, and consolidate the strength of the United empire [hear, hear!].

Sir, when we look back and see, that since the system of the relaxation of the penal code has commenced in Ireland, the benefits which that relaxation has conferred upon them have been received by the people of that country with the most ardent expressions of gratitude, we have every encouragement to proceed, and to anticipate the best fruits from a concession to them of the remainder of their just claims. Yet, Sir, though the Catholics of Ireland are grateful to you for the enactments which have been already carried in their favour, it is, at the same time, impossible for them to shut their eyes to the injustice of withholding the rights which so clearly and justly belong to them. Those rights, Sir, they claim as their due: but, while they are anxious to obtain them, I hope that the gratitude of the Catholics of Ireland for the benefits they have already received, will be made manifest by their continuing to pursue that line of conduct, which shall enable the friends of their cause in this House—where only it can be advocated with effect—to bring it to a successful issue. That the question in which they are so deeply interested—founded, as it is, in common reason and sound sense—will triumph, I can have no doubt; and, earnestly do I trust that that triumph may not be impeded by any indiscretion on the part of the Catholics themselves. The tranquillity in Ireland—a state of things so unusual in that country as to be almost deemed a phenomenon—is at this moment universally admitted. To what cause, more immediately, that tranquillity is to be attributed, it is not necessary for me to stop to inquire. But, so it is. Ireland, by the admission of all parties, is peaceful. That state of tranquillity I consider to be the result of the expectation of what will be done in their favour, combined with the recollection of what has already been done for them. If, then, so much has been produced from so small a beginning, what encouragement does it not afford to proceed to the consummation of the work of justice! If the field has been so grateful to the husbandman as to yield so large a crop with such little labour, what a plentiful harvest may we not expect, when greater attention shall be paid to the soil, and greater pains shall be bestowed on its cultivation! [hear, hear!].

Sir; it has been my good fortune to have spent some time in Ireland. My knowledge of the character and habits of her people has been drawn, in a considerable degree, from my own personal observation. I visited her, not so much for the purpose of seeing the natural beauties of the county of Antrim, or the splendid scenery of the lakes of Killarney, or even of enjoying that kind hospitality which is scarcely to be equalled in any other part of the world—I had a far greater gratification in seeing the Irish character—in beholding the kind and benevolent feeling which pervades all classes of her people. And, so much, Sir, am I impressed with this feeling, that if I had now a country to choose—and if I had no ties to connect me with any other—I have no hesitation in saying, that I would select Ireland, in preference to all other countries in the world [hear, hear!]. The people of Ireland, Sir, are undoubtedly, the most docile people that ever existed. Nothing proves the fact more striking, than the state of that country at the present moment. Hold out to the population the hope of impartial justice, and

their feelings are at once enlisted in your cause. The Roman Catholic priests are said to have great influence with the people of that country. They have; Sir. And a very great misfortune should I consider it to see that influence diminished. The effects of their example on the conduct of the people are most beneficial. I form my judgment of them, not from what I have seen in Dublin alone, but in those remote districts, which have so often been represented as barbarous. And I declare, Sir, before this House, that they appeared to me to be the most honest and the most innocent set of people I ever met with [hear, hear!]. The influence they possess over their flocks is certainly great: but that influence is always exerted to secure the peace and tranquillity of the country. In one of the wildest counties, and which, at that time, was declared out of the king's peace, the Protestant gentry had no idea of bolting their doors and windows—a state of things which was mainly to be attributed to the exhortations of the Roman Catholic clergy. It is true of the people of Ireland now, as it was in the time of Sir John Davies, who said, two centuries ago, that "they were the most orderly, the most ready to submit to the law, provided the law would protect them, and, he would add, the most contented with the least portion of it, of any other people in the world."

Why, then, Sir, should such a people be debarred of their just right? Why should such a soil—rich in the beneficence of nature—having a population possessing virtues such as I have described them to possess—having the advantages of such ports and harbours and rivers—and possessing the most promising views of successful intercourse with all the nations of the globe—why, I say, should such a country be stinted in its natural growth? What is it that Ireland requires to become prosperous, and powerful, and happy? She wants only that, of which, for centuries, she has been deprived—a good government. That want it is—and that alone—which has, hitherto, crippled all her energies, and rendered her population discontented, disunited, and unhappy [hear, hear!].

I do not mean to say, Sir, that the particular measure of which I am now the advocate, ought to be looked upon as a panacea for all the evils which afflict Ireland. It would be absurd to view the question in that light. I rather wish it to be considered on its own grounds. I would rather wish it to be considered as the first step, the sine quâ non, of all the other measures which it may be necessary to adopt for the relief of Ireland. I wish that the great question of Catholic emancipation should be considered, unmixed with baser metal. I sincerely believe that the granting of that measure would not only be the means of preserving the present tranquillity in Ireland, but of opening a brighter and more cheerful prospect for the future. I trust, Sir, that the House will no longer delay putting the final hand to this great work; confident as I am, that the effect of so doing will be to unite both countries in the bond of mutual affection—in the bond of mutual interest—in the bond of the constitution. The people who now seek the full benefits of that constitution are of minds not inferior to those of our own country: and, if there be any difference in the habit, arising out of difference of legal enactments, that difference would be speedily removed, by a removal of the disabilities which have produced it.

Sir, I will not trouble the House by entering into any disquisition on supposed objections to this measure, on the score of religion. I will not presume that there can be any gentleman in this House, at this time of day, whose mind is so warped by prejudice, as to assert, that religious opinion ought to be made the ground of political disability. I presume, therefore, that the only ground of objection is to be founded on some contingent danger. Until, Sir, I hear such an objection urged—until I hear that danger stated—until it shall be presented to me in a tangible shape—it is impossible for me to grapple with it. It will be enough for me to meet the objection, when it shall be presented to me. For the present, therefore, I shall say nothing upon the subject, but shall conclude, Sir, with moving,

"That this House do resolve itself into a Committee of the whole House, to consider the State of the Laws by which Oaths and Declarations are required to be taken, or made, as qualifications to the enjoyment of offices, or for the exercise of civil functions, so far as the same affect his majesty's Roman Catholic subjects; and whether it would be expedient, in any and what manner, to alter or modify the same, and subject to what provisions or regulations."

Mr. *Croker* rose, for the purpose of seconding the motion, and of offering one or two words on the general question. The hon. baronet had viewed this question as it affected the civil rights of the Roman Catholics, and he concurred with him in thinking, that those rights ought not to be longer deferred: but at the same time he could consent to no arrangement which did not include the Roman Catholic clergy, and embrace a provision for them. Without that he could not support the question of emancipation; and, if the hon. baronet's motion of that night were carried, which he hoped it would be, he pledged himself, that, if no individual more worthy were found, he himself would move that such a regulation should form part of the bill.

Mr. *Leslie Foster* addressed the House to the following effect:—There appears to be an impression, Sir, in the House, that no persons in Ireland but the society of Orangemen are hostile to the prayer of the present petition. This impression is most erroneous. There are many, very many individuals in that country never connected with that society, who are steadily opposed to the measure before the House. Of those numerous opponents, I, Sir, am one. But having made mention of that society, I shall take this opportunity of expressing my regret at its existence, and my anxiety to see it put an end to. However, Sir, I must confess that I cannot see the motion of the hon. baronet so divested of all its dangers. All who have attended to the advocacy of this question of late years must perceive a very great change in the tone of its supporters. Formerly they declared, that the Irish church establishment should remain inviolate; that the concession of the Catholic claims would bring no danger to it. But lately that tone has been altered: and now we hear of nothing but how unsuitable the Protestant church is to the disposition of the Irish people, and how beneficial the abolition of it would prove to their most important interests. True, the hon. mover has not uttered these sentiments in the course of his speech, but other hon. members, on other occasions, have not placed themselves under similar restraints. Nay, there is a notice, at this moment pending, of a motion on the state of the Protestant church establishment in Ireland. But, what is a more important proof on this point is, the distinct and open avowal lately made by a Roman Catholic of high authority in their church, that the more numerous the Protestant clergy were in Ireland, the more odious the Protestant religion became, and that that establishment was altogether inconsistent with the peace and welfare of Ireland. It has been described by a member of the Catholic Association as a gorgeous nuisance; others of that body have honoured it with less measured condemnation, and have left their excited and prejudiced auditors to draw from it any practical conclusions they may be wild enough to adopt. But, there is a still higher document indicative of the hostile spirit felt against the Protestant Establishment of Ireland; a document proceeding from the opposite side of the House, and evidently prepared in anticipation of the present debate—I mean an article in the last "Edinburgh Review," which has been put into my hands, and also into the hands of other hon. members. In that article the abolition of the Irish Protestant church establishment is laid down as the indispensable foundation-stone of the prosperity of Ireland. Now, Sir, looking at this question in reference to the British constitution, I have no hesitation to assert, that if the whole constitutional principles be kept in view, the modern doctrine of the abolition of our ecclesiastical institutions cannot hold its ground for a moment. If every sect of religion be admitted to an equal share in the government, the Protestant religion will cease to become what we have hitherto considered it—an essential portion of our glorious constitution; and in a political point of view, will possess but a mere balance of preference over its various and numerous enemies, the sectaries of the day. The question of the particular religion of a government cannot, I admit, be decided by an appeal to the unanimous consent of a people; for there is no religion from which persons will not be found to depart: it must be settled, either by an examination of its intrinsic merits, or by the strong hand of power; and, on either of those grounds, I contend for the continued ascendancy of the Protestant Establishment. That Establishment, I regret to say, has become a topic of discussion, of speculation, and censure; not among the Catholic Association alone, but in every village and cottage throughout Ireland. In short, a universal attempt has been made in that country to throw every sort of censure, and to excite every

degree of odium against the Protestant ecclesiastical institutions. I, Sir, am as unwilling as any man to ascribe to the clergy of that establishment any imaginary virtues, or to cloak any real defects. I am ready to go as far as any rational man can go, towards the institution of salutary regulations; but, when I hear the Protestant body of Ireland slandered and lowered in every social relation of life—when I hear them declared to be Orangemen in their politics, insignificant as capitalists; as landlords, but partial possessors of estates; and trifling as a population, I cannot but see danger in those calumnies, and I cannot let them pass unrefuted. The precise number of the Catholic portion of the population of Ireland is not material to the merits of their petition: it is of no consequence to them whether they be a million more or a million fewer: but it is not so with the Protestants; a million makes a great difference in their case; for if the decrease of Protestants be so great as has been stated—if Protestant pastors have indeed lost their flocks, then is it time for us to investigate the system of an establishment, which could produce such effects; and it is for the purpose of imparting such an objectionable character to our Protestant Church establishment, that so much ingenuity and labour have been used by the advocates of Catholic emancipation—to press the numerical superiority of the Roman Catholic population on the attention of the Protestant people of England. Now, Sir, this alleged excess can be best proved from statistical documents. Of the several ancient attempts to ascertain the population of Ireland, sir W. Petty has been admitted to be the most authentic; and he has stated the number of the Protestants to be 300,000; and that of the Catholics, 800,000. Now, taking that as the datum of successive calculations, we can come to a pretty certain calculation of their relative numbers at subsequent periods. The next census was not made until the time of the Independence of Ireland, when lord Charlemont, in an address to the Volunteers, said—"Never tell me that one million of Protestants can hold three millions of Catholics in subjection."—Now, lord Charlemont was wrong in that statement; but, however, the statement, though partially erroneous in itself, borrowed importance from the character of the man who made it; for, on his authority, the Catholics were not in his time more than four to one in proportion to the Protestants of Ireland. But Mr. Bushe, who assessed the population in 1788, found the entire population to consist of four millions and forty thousand, and the proportion of Catholics to Protestants to be three to one, and this has been ever considered an authentic apportionment of the numbers of the two religions at that time. Since then, no census was taken until the year 1821, when the collective population was stated to be six millions eight hundred thousand souls; but the assumption, that the intermediate accession consisted of Roman Catholics alone, has given rise to the erroneous, yet generally used phrase, of "six millions of Catholics, and but one million of Protestants." To these six millions, the hon. member for the Queen's county has added an increase of one million since the year 1821; and that addition he attributes, by an additional error, to the body of Catholics alone. Now, Sir, I am morally certain, that the population of Ireland has not increased since the year 1821. It has rather received a corrective check, from that system of dispeopling estates, which has spread so much misery through the country—a system acted on by those landlords, who, having discovered that brute cattle were more lucrative to them than crowds of idle human beings, have not scrupled to sweep thirty or forty families from their estates, and embody the former numerous divisions of their land into a few large farms. Famine has also checked the population; for, in my progress through several parts of the kingdom, I have seen those wretched outcasts from their farms scattered into itinerant mendicancy through the country, or fixed in stationary poverty in the town, and suffering such extremes of misery as would, if detailed, harrow up the feelings of the House. The population was checked by the war also, and that in no trifling degree; so that I am safe in repeating, that it has advanced in a very trifling degree, within the last three years. But, hon. members opposite have so often asserted this increase, and so often repeated the allegation contained in the Catholic petitions, that I felt myself bound to look for documentary evidence on the subject; and I am happy to inform the House, that I have found it; but it is of a nature that will not be very palatable to gentlemen on the other side of the House.

And here I wish to be clearly understood, as to the names of the places which I may mention; for a few nights ago, I was reported to have spoken of Cloyne, when I really spoke of Aughnacloy, and the consequence was, that the inhabitants of Cloyne, whose esteem I should be very sorry to forfeit, presented a petition to the House, on the subject of a statement which I had never made relative to them— The hon. gentleman then proceeded to state the population and proportion of the four provinces. In Ulster the population, according to the census of 1821, was 1,998,000, of whom 1,170,000, were Protestants. In Leinster the population was 1,757,000, of whom 370,000 were Protestants. In Munster the population was 1,935,000, of whom 200,000 were Protestants. In Connaught the population was 1,100,000, of whom 120,000 were Protestants. In all Ireland there were 1,860,000 Protestants, and 4,900,000 Roman Catholics, and some odd numbers. This was nearly the same ratio as that which sir William Petty stated it to be in his time. It was asserted, that the Protestants of Ireland were almost all Presbyterians. He denied the fact. The moderator of the Presbyterian church in Ireland had reckoned the number of Presbyterians at 560,000. He believed it, however, to be nearer to 620,000. To this number he would add 15,000 as the number of other dissenters from the church, including Quakers, Anabaptists, Seceders, &c., and there would thus be a total of 635,000 Protestant dissenters from the church of Ireland. The whole number of Protestants in Ireland he had before shown to be 1,860,000, so that it was clear that a large majority of them were members of the established church. He had not made this comparison of numbers invidiously; but he thought that he was fully justified in making it, after the manner, in which the advocates of that side of this question which he espoused, had been taunted with the overwhelming numerical superiority of the Catholics. He knew that those who opposed him were aware of the accuracy of his statement; and he believed that they would be the most unpalatable truths that had been offered for their consideration, during the whole of the stormy period of the last twenty years. He should say no more on the point of numbers: but would proceed to another point, which he considered of considerable importance. Some years ago, the House was asked, on the subject of the Catholic emancipation, "What are you afraid of? You have an enemy on the throne of France, who is an enemy of all religion; you have a pope so far divested of all power as to be absolutely a prisoner; you have got rid of the bugbear which you once found in the Jesuits; you hear no more of the infallibility of general councils; you have, indeed, a Roman Catholic religion, but of a very different character from that by which it was formerly distinguished — of what, then are you afraid?" The very mode in which this argument was put, showed that the parties who used it at that time thought that there might be just ground of alarm in a king of France who was a firm friend to the Roman Catholic creed; in a pope who was firmly established in his chair; in the existence of the Jesuits as a religious body; and in the restoration of the Catholic religion to all its old superstitions. Now, let the House consider how the case stood at present. The royal family of France could not be taunted, even by their bitterest enemies, with being indifferent Catholics. It had been said, that the head of it was casting an eye upon Ireland; if he was it was an eye of religion, and not of politics. He firmly believed that the granting an indemnity to the emigrants was the third, the upholding the principle of legitimacy the second, and the re-establishment of the Catholic religion in all parts of the world where it had once been professed, was the first and leading passion of his mind. The chair of St. Peter was at present filled with a worthy successor of the Gregories and the Clements; and he really believed that his equal had not been vested with the tiara for many centuries. It was, however, known, that he was exerting all the powers of his mind to regain the influence which had formerly belonged to his station. The Jesuits were again established, not only abroad, but also, he believed, at home—not merely in France and Spain, but also in England and Ireland. The Catholic religion was again dealing out its miracles and indulgencies; and displaying a spirit of intolerance and persecution which could only be equalled by that which it had displayed in the seventeenth century. Now, when such was admitted to be the fact, he could not see the consistency of the logic, which called upon the House to make concessions which were questionable when there

was no danger, under circumstances which the very advocates of emancipation admitted to be full of danger. But, overlooking that inconsistency, he would say that, even if the circumstances he had just mentioned did not exist, the present was not a time to concede any thing to the Catholics. The present was one of those epochs in which there was much religious excitement abroad, and in which religious zeal was even paramount to political ambition. This was proved by the numerous Bible societies, missionary societies, and what not, which now existed in England, and by the the proposition of a law of sacrilege in France, which one could easily suppose to have been enacted in the most intolerant period of the reign of Louis 14th. That law was the manifest progeny of religious zeal, and was so opposite to the spirit of the French nation, that if ever an attempt were made to act upon it, it would cause greater trouble to the dynasty of Bourbon than any which they had hitherto experienced. The present was, therefore, in his opinion, the very last moment when any change should be made at all affecting religious opinions. He was hostile to such change; because he saw the Catholics mixing up politics with their religion; and because he knew, that the alliance between religion and politics was always dangerous. Gentlemen had formerly said to him, "You object to this change; but why? Do you think that things can ever revert to their old situation?" He would tell them that he did not merely think that they might revert to it, but that he knew that they had so reverted already. That single fact afforded him matter for consideration, before he gave up any of the principles of the British constitution. He had always been led to consider the compact between church and state to form one of those principles. To any measure, therefore, which tended to weaken that compact, he should always oppose the most strenuous resistance, regardless of all the reproaches which might be heaped upon him for so doing, and leaving the consequences to the Supreme Disposer of all events.

Mr. Secretary *Canning* then rose to address the House. He leaned upon his stick, and appeared to be labouring under considerable indisposition. The tone of his voice, too, was so feeble, that many of his remarks were inaudible in the gallery. He said, it was not his intention to trespass long upon the indulgence of the House; nor if it had been his intention, was it now in his power. He attended in his place that evening at considerable personal inconvenience to himself; and the same reason which induced him to be present at this dicussion, induced him not to give a silent vote upon it. He rose at that early period of the debate, because he was apprehensive, that if he did not take that opportunity, he should not have strength at a later period to address them at all. He praised the moderation with which the hon. baronet had brought forward his proposition, and expressed his determination of following his example. He should, therefore, not enter into any controversy, nor touch upon any topics calculated to create an irritating discussion, as perhaps he might not be present at the conclusion of it. He confessed that his opinion on this question was the same which he had usually expressed on other occasions, when it had come before the House, and which he should always be ready to support, under any circumstances, from whatever quarter the support of it might be claimed. When he said "from whatever quarter it might be claimed," he begged the hon. baronet not to suppose that he used the words out of any disrespect to him—quite the reverse; he had often had the honour of the hon. baronet's co-operation; although, on the majority of occasions, they had usually differed. Undoubtedly, if his opinion and advice had been taken—and he by no means complained that it had not—he should have said, that he did not conceive the present to be the most favourable opportunity of bringing on this question. But, having said that, he should pursue the topic no further; because, if he gave any reasons for it, he might appear not so much to be expressing an opinion upon it, as endeavouring to throw a doubt, which he did not feel, on the justice of the cause. The question was, however, before them; and, being before them, it was their duty to consider how they would deal with it. For himself, he would deal with it now as he had upon every other occasion, and would not hesitate to give it his most cordial and most conscientious support. Although there were circumstances which made him consider the present as an unfavourable moment for the discussion of these claims, personally he was not sorry that they had been brought forward. After having recently lent his aid to restrain and suppress

the irregular zeal of some of the Catholic body, he was not sorry to have an opportunity of showing, that it was only to the zeal which had been superinduced on this question that he objected, and that his opinions and feelings regarding the merits of it were, at the bottom, not only unaltered, but unalterable [hear]. The principles upon which this proposition appeared to him to be worthy of the consideration of the House were so plain and simple, that he could hardly imagine on what grounds it could be opposed. He could easily understand the reason, why any person who was called upon to vote in favour of it, might demand that many modifications should be made in it, many concessions qualified, many difficulties solved, many inconveniences provided for, and many dangers—some of them, in his opinion, imaginary and others real—guarded against; but, he could not by any process of reasoning understand, why all the subjects of the same kingdom, all the inhabitants of the same soil—those who lived in the same country, mingled in the daily offices of life, and professed a common christianity—should be excluded from the common benefits of the constitution of their country [cheers]. If it were determined to exclude them, he thought that the onus probandi, the necessity of making out the reasons for their exclusion, was thrown upon the other side. It appeared to him, that the state in which they now stood had been justly described by his hon. friend who spoke last, for whom he felt a most sincere respect, though he now differed from him, as a state which was a century old. But, had not the hon. gentleman, in another part of his speech sufficiently answered himself? Had he not said "what is a century in the age of religion?" It was not an argument, but a fact, that by altering the present system, we restored it to that which had a still longer age in its favour. If the argument of age were of any value, why did they hesitate to restore the Catholics to that state in which they were placed before the passing of the penal laws? He contended, upon this occasion, as he should upon every other, that to stand where they then were, was to alter; and to make a change, was to return to the old system. By this simple statement he pressed into his service all those topics which arose from the abhorrence of change; he claimed them as his own, unless it could be shown that the change, though new, was inveterate, was fixed in so strong a necessity, and was so irrevocably rooted by the continuance of that necessity, that it could not be abandoned without an abdication of principle, or an abandonment of honour. He was too unwell to enter deeply into this question. One or two topics, however, had been urged by his hon. friend, which he could not bring himself to pass over in silence. His hon. friend had set out by saying, that nothing was so dangerous to the peace of society as the alliance between politics and religion; and how did his hon. friend conclude his speech? By a laboured eulogium on the alliance between church and state [hear, hear]. There was an inconsistency in this, which he could not reconcile. He could not see how the mystic words "church and state," which his hon. friend was more accustomed to hear in his convivial than in his sober moments, could be construed in any sense which did not countenance the alliance of politics and religion. He concurred, however, up to a certain point, with the opinion of his hon. friend. He did think that the alliance of politics and religion, where it led to a divergency of sentiment, and to the doubtfulness of allegiance, was to be denounced as eminently objectionable. And here, again, he must look to his hon. friend's speech for an illustration. His hon. friend had told them, that never at any time was the feeling of religious zeal so paramount over political ambition especially among the governments of the Continent. He believed that to be the case; but, what was the inference he drew from it? Why, mankind were divided into two classes, by two distinct lines of demarcation. There was one line between the Protestant and the Catholic churches, and another between British and foreign influence. He would say, "Efface the line of separation which divides the inhabitants of the British islands into two classes, and strengthen the line of demarcation which separates British from foreign influence" [cheers]. These were the principles on which he had always advocated this question. It was unnecessary for him to say to his hon. friend, that with regard to the dangers which he and other hon. members anticipated to the Protestant establishment, he had lately given a pledge, which he was now ready to repeat, that he would go as far as any man to retain it in full dignity and security. He would go even further:

he would declare, that if his reason could be convinced, that they must either stand where they then were, or, by proceeding, risk that establishment which was interwoven with their happy constitution, he would stand where they then were at all hazards, and would give his strenuous opposition to the motion of the hon. baronet. It was because his reason could not be convinced of this fact, but was convinced of the contrary, that he was now determined to support it. It was because he was convinced, that it would increase the strength of the empire at home and its respectability abroad, that he was for opening wide the vest of the constitution, and receiving into its bosom all those who lived in its allegiance, and were ready to support its government. On these grounds, he should give his vote for the hon. baronet's proposition, remarking, that in so doing, he by no means considered himself pledged to support the details of the measure which the hon. baronet might hereafter introduce, but that he did consider himself pledged not to sacrifice to the object of the measure any thing which in his conscience he thought, or in his judgment he might be persuaded to believe to be beneficial to the Protestant establishment.

The *Solicitor-General* declared himself hostile to any further concessions to the Catholics, and contended that if any gentleman had, upon former occasions, made up his mind to yield them, he ought now, from their recent conduct, to alter his resolution. Claims which had been denied to reason, argument, and quiet solicitation, ought never to be yielded to menace, terror, or intimidation. He would also refuse them, because he could never find out what the Catholics proposed as their ultimatum. Former concessions were made the groundwork of future demands, and were used as arguments for conceding those demands also. Whatever adoration he might feel for the talent of his right hon. friend the Attorney-general for Ireland—however he might feel his own inferiority, and he knew that he was "impar congressus"—still he must oppose him upon this subject, and rebut the arguments which he continued to bring forward in this sanctuary of legislation. His right hon. friend had said, "You gave the Roman Catholics political power when you gave them the elective franchise; why, then, do you hesitate to give them more?" He would ask his right hon. friend to consider, that there were only three things now withheld from them—the bench, the parliament, and the high offices of state. If these were granted to the Catholics, he had no doubt but they would ask for the church also. ["Hear," and a laugh]. Gentlemen might smile; but he would give them proof that what he had just said was not mere idle assertion on his part. He would read to them a passage from the proceedings of the Catholic Association. It was proposed in that turbulent assembly, to present a petition to the House of Commons for the abolition of tithes, and to send it for presentation to the hon. member for Aberdeen, because he had taken the church into his holy keeping. He thought he might be permitted to ask, what was the holy keeping which the hon. member for Aberdeen reserved for the church? They all knew it—it was no secret. The hon. member had brought in a string of resolutions, twenty or thirty in number—he was wrong—only six or seven. If they were not numerous, they were at least strong; if they were deficient in quantity, they were not so in strength and violence. The hon. member's plan was, to slice and cut up the church of Ireland, as if it were the shares of a joint-stock company, and to spoliate, subvert, and entirely overturn it. If such were the views of the Roman Catholic laity, were those of its priesthood any better? He thought not. Indeed, he objected to concession, on account of the power of the priesthood. Since the unlawful society bill had been before the House, a priest of the name of Magee had said at Kilkenny, that if it passed into law he would still go out and collect money for the Catholic Association. "If they put down the rent," said this Catholic divine, "we, the priesthood, will make the public advance it on the altar, as the price of their redemption, and will then remit it to the most influential of our friends." Was this language to be tolerated? Were these men, whose power was to be despised? He had another objection to granting emancipation. The Catholic priesthood would enter into no compromise with the government. It had been attempted to enter into some compromise with them on three different occasions—under lord Howick's administration, again in 1813, and again under the directions of Mr. Grattan. On all these occasions, the experiment had failed. In looking at this question, he knew how to

deal with the Catholic laity, for they had no interest separate from the state: but, not so the Catholic clergy, for they had avowed a distinct interest, which, with their great controlling influence, they were determined to work for the overthrow of the established church, and the possession of its wealth and ecclesiastical revenues. It was important to consider the argument as distinct from the laity and the clergy; for the latter yielded no spiritual allegiance to the Crown of England, but they did to the church of Rome. It had been said, that there was justice in the Catholic claims, inasmuch as the Catholics merely asked for equal privileges with the Protestants. This was not to state the case fairly. They asked for more; for the Protestant church had not in any way the same influence as the Catholic over the minds of the Irish people: so that, if the two churches were placed upon a par in point of civil privileges, the preponderating influence in Ireland must be with the Catholics, and the overthrow of the present church establishment must follow. He then referred to the violation of the constitution which this concession to the Catholics would involve. Was not the principle of the Protestant religion in church and state, made a fundamental and inviolable part of the compact with William 3rd, after the expulsion of James 2nd, for endeavouring to overthrow the Protestant church? Would they, then, abandon that indispensable principle of the Bill of Rights? Why not, it was said, in a country where the great majority of the inhabitants were Catholics? But, they ought to recollect, that this was not an Irish, but a British question; and that in Great Britain the relative numbers of the Catholics generally was much inferior to those of the Protestants. He was surprised to see this experiment attempted so repeatedly upon the constitution. And, to do what? Not to satisfy the Catholics, for they had always said, when these changes were pending, "we will not accede to your regulations." Being, therefore, clearly of opinion, that the pretence of conciliation did not follow, but seeing that the overthrow of the Church establishment must, he should oppose the hon. baronet's motion.

Mr. *Stuart Wortley* said, he was anxious to offer a few words in support of the principle which he had advocated in the year 1812—a principle of concession to the just claims of the Catholics. It was his firm belief—and being so, he felt it his duty to state his impression to the House—that no substantial peace would be established in the country, until this question was conceded, and the Catholic and Protestant population of the empire incorporated in one feeling of civil concord. The hon. and learned gentleman who had last spoken had asked the House, where they meant to stop in this range of concession? He had no hesitation in answering, that they ought to stop exactly when they had done justice to the Catholics, and not before [hear, hear]. It was no part of his inquiry to ascertain what would or would not satisfy the excited feelings of the Catholics; he would do them what he thought to be justice. As legislators, that House ought to make wise laws, and then the duty of the subject was obedience. But, the hon. and learned gentleman declared that this was not the time for making any concession, lest it should be interpreted to a wish to conciliate the Catholic Association, which they had just determined to put down. He should meet this declaration, by stating, that this was, on the contrary, exactly the time when they ought to show the Catholics, that though they would not permit them to overawe, or usurp the functions, of the constituted authorities, they would not deny them the enjoyment and exercise of those privileges which the constitution conferred upon the people of a free country. As far as time, therefore, applied to the consideration, the present was peculiarly applicable for the adjustment of this question. They had been told, that the Catholics, though a majority in Ireland, were a minority, as compared with the whole population of the country. That was no reason for excluding them from eligibility to civil privileges—that was no argument for excluding them from seats in the House;—and, to that extent, he was ready to admit them; for if it were, it applied equally to other dissenters, who were still permitted to form a part of the legislature. When the hon. and learned gentleman talked of the overwhelming power of the Catholic clergy, and their desire to overthrow the established church, he was really starting a chimerical apprehension, for his fears were absolutely vague and groundless. He entreated the House to consider the progress which this question had already made. It was virtually carried in the

year 1812; from that moment he considered the ultimate decision of the consideration as irrevocably fixed. Why, then, continue these protracted discussions? When he declared his unaltered determination to vote for this question, he begged to be distinctly understood as being ready to guard the passing of the measure with the best provisions for the security of the Protestant church, and to take care that it remained as firm as it did now. Sure he was, that if they continued to refuse to the Irish people their just and natural rights, they would do more to endanger the Protestant church and state, than they could possibly do by the enactment of any measure of concession and conciliation. With respect to the public feeling upon the question generally, he thought that if the minds of the people of England were changed, they would have had petitions against it upon their table. His impression, therefore, was, that the repeated discussions within that House had mainly brought the public out of doors to a calm and temperate consideration of the subject, and that they left the decision to the deliberate judgment of the legislature. In giving the Catholics their rights, he would enter into no treaty with them. The enactment of a law would bind the Catholics and the legislature; and obedience was the duty of both.

Mr. *W. J. Bankes* felt himself particularly called on to answer what had fallen from some hon. members, as to no petitions having been presented against further concession to the Catholics. This was occasioned by there not having been time for petitions to be presented. He was quite certain this was the case as to the learned body he represented. The vice-chancellor of that university had convened the senate of that body for that purpose; and, as he was a layman, the assertion that none but clergymen petitioned was refuted. When he alluded to the time when this question was brought before the House, he did not mean to complain of the little opportunity which was thereby allowed for the introduction of petitions. On the contrary, perhaps it was better that the consideration of parliament was brought calmly and dispassionately to the subject, in the absence of any irritability out of doors, which might have been the consequence of popular debates upon a measure so pregnant with excitation. With respect to the general feeling of the people of this country, which was said to be changed, it would be very strange, if it were so. By what medicine, by what charm had it been effected? Was it by the violent declamation of the Catholic Association, or by some of their edicts? Was it from those acts of theirs, which had alienated their friends, and made those who were disposed to remain neutral, hostile to the measures for giving them relief? It seemed more reasonable, if this change existed, to ascribe it to some miracle of prince Hohenlohe. The dangers which were apprehended to the church of Ireland would be increased by the speeches of those who had spoken before him. He had seen the system of attack carried on against that church in this House. He had heard those attacks cheered, as if the benches were already occupied by Catholics. If a large body of Catholics were to be invested with extensive privileges, and a certain number of them were to obtain a footing in that House, an opportunity would then be afforded of agitating such questions as would place, at least in remote prospective, the overthrow of the Irish church before them. He could not assent to the opinion, that the Catholics, in the prosecution of their claims, looked no further than to the enjoyment of civil privileges. They had themselves most distinctly said, that they did look further. One of their leaders, Mr. O'Connell, says "it was suggested to me, if we desisted from petitioning against Church rates, and against the payment of tithes in parishes where there is no Protestant clergyman, or the building of churches where there are no Protestant inhabitants—if we would confine our views and our ambition to procuring seats for some half dozen of our peers in the House of Lords, and a few of our gentry in the House of Commons." [At the words "payment of tithes in parishes where there are no Protestant clergyman," the hon. member was interrupted by a general cry of hear, hear! a laugh, and loud cries of read! read! The hon. member betrayed an unwillingness to proceed with the quotation. On coming to the words "no Protestant inhabitants," there was another hear, hear! a laugh, and a cry of read, read!]. The hon. member said, he had read the wrong part, and was going to put the paper in his pocket, but the call of the House to read, seemed to influence the hon. member.

He then read the following extract:—"If we would content ourselves with the pursuit of these objects, we might indulge a hope of being permitted to partake of the privileges of the constitution—but my answer was, 'We are collecting the rent for the benefit of the people—for them we are bound to seek protection and redress. We require no favour—we want to strengthen the constitution by the heart's blood, the bone, and sinew of the country—we seek to establish a holy alliance between the English throne and the Irish people; and, so long as the mockery exists of making the people pay church-rates where there is no church, and the tithe where there is no parson'"—[When the hon. member came to the words "tithe where there is no parson," he was disposed to stop, but there was another general cry of read, read—and loud laughter. The hon. member then put away the newspaper from which he was reading. He then continued.] He had watched the progress of such things; and when he heard these insinuations, he thought he saw the progre s of the attack, hair by hair, upon the church of Ireland. He had no doubt that, in the opinion of the gentlemen opposite, the pope, with a Roman Catholic hierarchy, would do quite as well as the present Protestant establishment. He did not mean to say, that such a consequence would immediately follow; but there was every reason to apprehend it, from the principle of ambition that existed in the Roman Catholic church. The event, if further concessions should be made, was not perhaps so remote as some gentlemen seemed to think. Such being his views, he would give his decided opposition to the motion.

Mr. *Plunkett* said, that after the repeated discussions, year after year, which this question had undergone—after the recent protracted debates upon Irish affairs—and more particularly after it had fallen so often to himself individually to claim the indulgence of the House upon this very subject, he should have been strongly disposed, on the present occasion, to have repeated his opinion by a silent vote. There were, however, peculiar circumstances which compelled him, though reluctantly, not to allow this debate to pass without giving the reasons which still governed his vote. In doing so, he still felt that it would be bad taste to increase his trespass on their kindness by taking a wide range of observation on this occasion, or to do more than to take a few leading points, and confine himself strictly to their necessary consideration. He thought himself peculiarly called upon to deliver his sentiments, as the management of the question had been transferred from himself to the hon. baronet opposite. He trusted that no man would suppose he harboured a motive so mean or unworthy, as to suffer his sentiments to be warped by the change of hands into which the petition of the Catholics had passed. He was ready to bear testimony to the judicious and discreet manner in which the hon. baronet had introduced the motion—to the temper, the perspicuity, the reason, and the justice, with which he had recommended it to their consideration; and he should endeavour to imitate the conciliatory tone, of which the hon. baronet had set so eminent an example, and in arguing this question to keep clear of all topics of irritation on either side. As to the particular time when they were called upon to discuss the Catholic claims, he did not mean to express what would have been his opinion had he been consulted on that point: he should have found it, what he had no doubt the hon. baronet had done, a point of much embarrassment, not as relating to his own opinions, but to those of others, entitled to some degree of deference. For himself, he had long since made up his mind on this question. With deep and intense feelings for the maintenance of the best rights of the empire, his decided and unalterable conviction was, that this measure could not be too speedily carried. No time was too early for its adoption; none could arrive, when it should not have his most zealous support [cheers]. With respect to what had fallen from his hon. and learned friend, the Solicitor-general, why did he recur to the time of discussing the question—why did he call upon those who differed from him to consider that part of the consideration? He must ask his hon. and learned friend, before he assented to go into that argument with him, at what time he would be prepared to give his consent to such a motion as this? He feared that his hon. and learned friend had made up his mind to a perpetual opinion upon this question, which would render, so far as he was concerned, any argument as to the expediency of time a useless waste of words. Were the time one of perfect calmness and tranquillity, doubtless his hon. and learned friend would say, "Why agitate

the topic now—non quieta movere—nobody calls for such a discussion." Were the time one of trouble and difficulty, then the expression would be the other way—"This is no time for embarking in such matters; every thing is too unsettled." So that in calm or in storm, there would be found no time that was not quite inopportune, in his hon. and learned friend's view of the matter. He entirely agreed in the observation of the hon. and eloquent member for Yorkshire, that there was a peculiar grace and fitness in the present time, for the concession of these claims to the Catholics. Some of the friends of that body had been induced, by what they felt to be a most painful necessity, to enact a measure of restriction against certain parts of that body. It was, therefore, just the time to show the Catholics generally, that, notwithstanding what he alluded to, parliament was ready to consider the justice of their claims. He had not the same means of judging as other gentlemen had, what were the sentiments of the people of England upon the subject; but, he had of late spoken with men of various habits of thinking respecting it, and not one had he found who was prepared to say that this question was never to be carried [hear]. He had others to contend against, and they were the most formidable opponents of the measure, because they met it boldly upon its own merits, and disdained the paltry trick of appealing to the passions or prejudices of any classes of the people; who declared, that if they thought the accomplishment of such a motion as this would effect the tranquillity of Ireland, they would at once yield. These candid and able opponents were among the best friends of the established church, and, when he heard that declaration from their lips, must he not believe that, in the measure which he advocated, there was nothing—there could be nothing—calculated to endanger the stability of the church of Ireland? He solemnly assured the House, that, though this measure was as dear to him as it could be to any man, if he thought it could risk in any degree the security of the church of Ireland, instead of being its advocate, he should be found among the foremost ranks of its warmest opponents. He supported the question, because of its perfect reconcileableness with the stability of the Protestant church; and he supported it further, because he thought the passing of this bill would be found a measure eminently calculated to support that church [hear].

Some allusion had been made to former bills, and, among the rest, to one of his own, upon this subject. To show how clearly on all these occasions the security of the established church was provided for, he would beg leave to read a paragraph from his own bill of 1821, which was copied from the preceding bill of Mr. Grattan. It was as follows: "And whereas the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the Protestant Presbyterian Church of Scotland, and the doctrine, discipline, and government thereof, are, as between Great Britain and Scotland, severally and respectively, permanently and inviolably in these realms." These were the recitements of the two bills. How, then, could it be said, that no adequate provision had been made for the security of the established church? His hon. and learned friend had promised to argue this question upon its constitutional bearings; but he had listened in vain for the promised argument. He had heard, indeed, from him a good deal about the Catholic Association; a good deal about the avowed intentions of the Catholic clergy; but nothing, or nearly nothing, of the constitutional grounds on which he meant to resist the question. The claim of the Roman Catholics was a claim to be admitted members of a free representative government—to be admitted to institutions, the advantages of which belonged equally to every subject of that government. He did not say that the right would admit of no exception, or control. There was nothing in the social fabric concerning which he would venture to make that assertion. Even the enjoyment of natural rights must be qualified, in a state of society, with conditions. Still more must this be connected with the artificial rights given by the mere existence of society; but these conditions ought only to be imposed in the degree which would be the most likely to protect and preserve the rights and privileges of all. Whether the rights enjoyed by individuals were of the character of natural or of chartered rights, they were liable to be withheld on the ground of general expediency. But, then, the expediency must be clearly and unquestionably made out; and this was a maxim of the constitution, which went no less, though upon more circumspection and discrimi-

nation, to affect the most obvious rights of individuals. He directed the attention of the House to the circumstances under which our ancestors had thought it necessary to limit those rights, in a very peculiar manner, with respect to Roman Catholics. At the Reformation, it was found necessary to deal with those rights which were fully permitted before that period. The main object, then, was to protect the rights of the throne against the claims of a foreign power, and against the disaffection of those subjects who might reserve their allegiance for that foreign power, to the detriment of the throne, and of the state in general. This being the object, how did they proceed? They guarded, in the first place, against the evils existing. There were the claims of the Pope to interfere with the interest, not simply of the Roman Catholic religion, which then was the established religion of the state, but he claimed also the right of disposing of benefices, of naming the clergy, of deposing the monarch, and of absolving the people from their allegiance. The legislature accordingly provided—first, for the absolute and unconditional integrity and inviolability of the church; further, for the spiritual prerogative of the Crown, forbidding at the same time the exercise of any other than the established religion. What were the mischiefs directed, and what the provisions of the legislature? To prevent the claims of the Pope, or any foreign power, to interfere with the church. Did they hear of any claim to that interference, or to the right of deposing kings, or absolving their subjects from their allegiance? Was that believed or asserted by any man in either kingdom? Dangers there were still; but of a different kind. Those enactments were, therefore, gradually done away. The law forbidding the exercise of any other religion was done away by the repeal of the act against recusancy. The only remaining one which could be at all supposed to contain that spirit, was the act of uniformity; which could not be at all affected by the proposed measure. Thus far did parliament go, down to the time of the Reformation. The wisdom of our ancestors watched the progress of time, and took their measures accordingly. In the reign of Charles the Second, they observed a new danger—a monarch careless about religion, or secretly affected to an unconstitutional one, who was to be followed by a Popish successor. Here their providence was as remarkable as before. They provided a remedy, not adapted entirely to meet the evil, but the only one they could obtain; which was, to require certain oaths to be taken by those who were ready to take seats in parliament. That was found insufficient on the accession of James 2nd., who openly maintained the Roman Catholic religion against the constitution and the rights of his people. The legislature finding this resource fail, then prudently shifted their ground, and had recourse to a measure at once wise, bold, and salutary. They drove the monarch from the throne, for violating the constitution, and they resolved that the sovereign power should be held inviolable and unalterable in Protestant hands. Did he deny that the throne must be Protestant? Was he doing any thing to weaken its Protestant supremacy? No such thing. Was there any mode or device to make that supremacy surer, which the genius of any man could suggest? He was ready to incorporate it with the proposed bill, or to have it introduced as a separate, yet concomitant measure. What were the dangers which afterwards threatened the establishment? The claims of an exiled family driven from the throne, and the plots and agitations of a disaffected party retained in its interests. He admitted, freely, that the Roman Catholics of that period were suspected justly. What was the course taken by parliament? All the former measures against the papists were continued. They were held to be not good subjects, and were to be trusted neither with honour nor power in the state. They were coerced in their persons and property—they were deprived of their civil rights—they became sunk and degraded into that wretched state, from which they were relieved by the benignity of the last reign. This was a natural course of reasoning, though he did not conceive it to be a very wise one: but it showed, that our ancestors adapted their remedies to the evils then existing, and pressing upon their apprehensions. In 1791, a new danger, and an entirely new difficulty, presented themselves. The Roman Catholics had proved themselves truly submissive—they had been uniform in their peaceable conduct. Though rebellion had twice raged in Scotland, no movement was made in Ireland in favour of the exiled family. It had been found that the Catholics, so sunk and degraded, were in-

effectual to the protection of the government—that by the depression and privations imposed upon them, the heart's blood of the state was impoverished. The landlord found that the lands could not be sufficiently cultivated. The valuable energies of labour were every where paralyzed. If the annals of that period were to be properly read and considered, the late king would be for ever illustrious in history, entitled as he was to the especial gratitude of every Roman Catholic in Ireland. That system of beneficence which he introduced had been now in practice for the space of forty years. It had raised the Roman Catholics of Ireland to a state of affluence, comfort, and respectability. It had given them a perfect equality of civil rights. It had caused them to participate in the advantages of the institutions. What was the danger which they had now to dread? Not the Pope—not the claims of foreign potentates—not the assumption of a power to dissolve the allegiance of the people—not the interests of an exiled family. The Roman Catholics had perfected the proofs of their obedience, and had been admitted to their civil rights, as good subjects who were entitled to every thing which they could reasonably claim. The danger now to be apprehended was perfectly new, though not inferior, he admitted, to that of a dispute concerning the supremacy or the succession to the Crown. Better measures had prevailed—the state had acquired sounder health—a current of wholesome blood was felt—feelings of conciliation had been manifested—the Roman Catholic subjects, though not directly raised to power in the state, had acquired possession of the means of danger, and were on a par with themselves. The hon. member for Louth had spoken alarmingly of the six, or five, or four millions of persons in the communion of the Roman Catholic church. Now, what he feared was, to see four millions—taking them at the lowest—of subjects, having wealth, power, and respectability on their side, and awakened to a full sense of their condition, coming up, year after year, to claim the rights and privileges enjoyed by their fellow subjects, and retiring dejected and disappointed. [cheers]. That was danger which the House had to cope with. Yet, the hon. member for Louth would persist in telling them, that they were not to look at the dangers of their own times, but to go back to the Reformation, to the reign of James 2nd., and to the Revolution. He would say, that the present danger was the greatest, perhaps the only one for them to consider. The other argument proved a want of acquaintance with human nature; it bespoke our ignorant use and application of the manual of history. Time, as had been said by one of the clearest observers of its effects, was the greatest innovator of all. While man would sleep or stop in his career, the course of time was rapidly changing the aspect of all human affairs. All that a wise government could do, was to keep as close as possible to the wings of time, to watch his progress, and accommodate his motion to their flight. Arrest his course they could not; but they might vary the forms and aspects of their institutions, so as to reflect his varying aspects and forms. If this were not the spirit which animated them, philosophy would be impertinent, and history no better than an old almanack. The riches of knowledge would serve them no better than the false money of a swindler, put upon them at a value which once circulated, but had long since ceased. Prudence and experience would be no better for protection than dotage and error [loud cheers.]. Did he admit that the danger here was serious? He did not therefore inculcate dread. If the Catholics were to come down to the bar to claim their rights with clamour and shouts, he would laugh at them. Should they use threats and defiances, he would despise them. Parliament could subdue any force raised on their side. But if they merely claimed the rights of free constitution, he had no armour to oppose to them. He had no mode of dealing with them, but to open the arms of friendship—to admit them, as allies, as equals, to share the benefits, and join with him in the defence of the constitution; be it against foreign or domestic enemies; be it in peace, or be it in war [cheers.].

They were told, that there was a bar—that the principles of the constitution were opposed to the admission of the Roman Catholics. He had read with eagerness—he had carried on his researches with deep anxiety—he had endeavoured hard to find out where that principle could be discovered, and he solemnly declared that he could not discover it. Referring to the distinction which had been taken between civil and political rights, was the fact so, that the constitution did not admit any to political power, however com-

pletely in the possession of their civil rights, unless they subscribed the doctrines of the established church? Did not every day's experience disprove that assumption? Was not the hon. member for Norwich (Mr. W. Smith), whom they listened to day after day with satisfaction, an example of the contrary? Where was the alarm for the disjunction of the interests of church and state? Had there not been a lord-chancellor of England who was a dissenter? A man who refused to subscribe the doctrines of the church of England had, in his official capacity, issued writs of summons to the peers of Great Britain, and appended the great seal to them. He alluded to the late lord Rosslyn. Were hon. members who contend for this, ignorant of what had been doing in Ireland? The test laws had been there repealed for fifty years, and the dissenting influence had been on the decline ever since. When that repeal was talked of, there was great alarm. Dean Swift, with all his wit and talents, felt and spoke of it with horror and desperation, and prognosticated from it the immediate downfall of the state. For forty years past it had not been heard of, and was almost forgotten by the House: the dissenters had ever since declined. Had the Roman Catholic influence declined in the same period? The former had been ever since withering under the hand of liberty; the latter had been fostered and cherished by severity [cheers].

But, it was said, the Roman Catholics might have their civil rights; they must not, however, expect political power: that the constitution prohibited. Was there nothing of political power in what they possessed? They had the right of electing members to serve in parliament. Was that no exercise of political power? They acted as magistrates. Was that no exercise of political power? They served as jurors. Was not that exercising political power? This country had liberally imparted education to them. Did not that put the means of political power within their reach? Where was this line of distinction between civil and political power marked in the constitution? The warmth of discussion apart, he denounced the doctrine, as inconsistent with the principles of our free constitution, and only fitted for the meridian of a despotic government. He had once endeavoured to define civil liberty to the House; he had used the description which he found in the books—"Civil liberty consists in doing all that which the law allows a man to do." But, he went beyond that. There is a civil liberty, the enjoyment of which is given by the laws themselves. Once admit men to enjoy property, personal rights, and their usual consequences; and on what pretence could they be excluded from the institutions by which the whole of those possessions must be guarded?

It was asked, what have the Roman Catholics to complain of? they are only excluded from the parliament, the bench, and the high offices of state; which meant that they were only excluded from the making and administering of the laws, from all posts of honour and dignity in the state. These were bagatelles, for which, according to the argument, it was not worth while for the Catholics to contend—and, therefore, it was scarcely worth the while of the parliament to refuse. How would the hon. and learned gentlemen who used this argument like to be excluded from their chance of obtaining these trifles? He begged to ask, if these were not the very nothings for which Englishmen would cheerfully lay down their lives? [cheers]. Did they still talk of the danger of admitting the Catholics? He put it to the House to consider, whether they would willingly see such a body represented any where but within the walls of parliament. To shut them out from parliament, after giving them every thing which rendered them consequential short of it, was to teach them to array themselves elsewhere. Somewhere else they must go if the House could not make room for them. God forbid the recurrence of bad times! but it might happen that a bad prince might mount the throne, and then, perhaps, being refused admission where they had a right to it, they would range themselves behind the throne, and assist in the sacrifice of the public liberties. His hon. and learned friend, the Solicitor-general, was satisfied as to the laity, whom he considered as sufficiently good subjects. The danger which his hon. and learned friend apprehended was from the Roman Catholic priests. He dreaded, in a country where the majority of the people differed from the religion of the state, the uncontrollable and all-controlling influence of the priests, who were themselves detached from the state. France, it had been said,

had of late shown herself particularly tenacious on the subject of religion; and, looking at what might be her views with regard to Ireland, it was said, that there might be great danger. He supposed that the bill was intended to diminish so much of the influence of the Roman Catholic clergy over their flocks, as arose out of their present grievances. Here was a danger admitted on both sides to be actually existing, and here was a measure proposed by the hon. baronet to meet that danger. Let the measure for bringing those priests within the pale of the constitution be proved to be calculated to increase their influence, and he would say something to it,

Before I go further (continued the right hon. and learned gentleman) I would ask those honourable members who admit the dangers which exist, whether they are prepared with a remedy? Some may, perhaps, tell me that I am to trust to time and to proselytism. I admit that much may be expected from proselytism, and that it is likely to be increased by the pious and exemplary lives, the kind and charitable behaviour, and the religious example of the Protestant clergy; and I am of opinion that the time will come, when the religious differences between Protestants and Catholics will be much lessened, and, though we may not see it, that our children's children may be witnesses of it. But, Sir, this prospect is distant and uncertain; the dangers which surround us are pressing and imminent. So long as you continue a line of demarkation between Protestants and Catholics, so long do you hold up the latter as aliens to the state. And, while you do this, let it be considered, that your proselytism will be at a stand. For any man who should become a Protestant under such restrictions, would be considered an apostate, a wretch who changed his religion only for purposes of gain. Before I conclude, I must take the liberty of stating shortly to the House, a few of the measures which I consider calculated to remedy the existing evils. First, I would take away all grounds of grievance, by placing the Roman Catholic on an equal footing with the Protestant. I would do this, in order to prevent their union in one body against one common oppression. Next, I would, as has been recommended by an hon. friend of mine, make a suitable provision for the Roman Catholic priesthood. I have been told, that the Roman Catholic priest would not consent to such an arrangement. Let me assure my hon. friend that he is deceived in his statement. The Roman Catholic clergy would not, it is true, purchase a permanent provision by the disgrace of having abandoned their flocks. But, if Catholic emancipation were granted—if the laity were once relieved from the disabilities under which they laboured—the Catholic priesthood would anxiously and gratefully receive a permanent provision. Honourable members are much mistaken, and know but little of Ireland, if they imagine that the Irish people, or the Irish priesthood, wish to usurp the property of the established church. The church of Ireland may be in danger of being pulled down from other causes; but, if it were pulled down to-morrow, and the livings offered to the Roman Catholic priests, the laity would not allow them to accept them. I speak this in the hearing of many who are acquainted with Ireland, and who must know, that it is not the wish of the laity to have their priests raised to influence and authority by such means. The gentry of Ireland respect their priesthood, but I can assure the House they are not priest-ridden.

Before I sit down, Sir, I must say one word more as to the danger which I conceive to exist at the present period. If the priesthood were to express a desire to get possession of the church property, the laity would at once cry out against them; but, I would ask, are the Protestant clergy right in saying, that they are determined to resist the claims of the Roman Catholics, so long as they themselves existed? What was this but giving a form and substance to that which was before but a wild chimera? What was it but compelling the Catholics to say, we must now oppose the Protestant clergy in self-defence, for, until they shall be deprived of their property, we have no chance of obtaining our political rights? All who know me, know that I am, and ever have been, a zealous supporter of the established church; but never, even when I have been most zealous in its support, do I conceive myself to have rendered it better service than in giving it this warning, and placing its ministers on their guard [hear, hear]. Sir, I feel convinced, that if a foreign enemy were landing on our coast to-morrow, this House would not grant to the Roman Catholics any thing which it could not concede with

honour and with safety to the established church. I trust to God, that no such period may arrive. I feel that if it ever does, it must be far, very far distant. But, I know, that were it to come, such would be your firm and irrevocable determination. And, Sir, it is because I know there exists no such danger—it is, because I feel that we are in a time of perfect safety and security, that I call upon you to do that now, which a sense of justice ought to compel you to do even in a time of the greatest danger [cheers]. Let me not be told, Sir, that the people or the priesthood of Ireland will refuse to accept any concession which we may make to them. I say, in the language of my hon. friend the member for the county of York, that it is for us to legislate; that it is for us to do what is right; and if the Catholics of Ireland should refuse to accept what we offer them, they will be deprived of all power to do injury, because they will be deprived of all power to make just complaint [cheers]. One word more, and I have done. The alarm which exists with respect to the Roman Catholics of Ireland, is, I can assure the House, unfounded. The Roman Catholics of Ireland are not only tranquil but loyal. Nay, more, they are determined to continue loyal, no matter what may be the result of their application to parliament, because they feel satisfied, that the growing feeling of liberality towards them, and the enlightened policy of England, will not allow them to labour long under their present disqualifications. For myself, I feel perfectly convinced of the loyalty of the Roman Catholics; and, if the government of France were speculating upon their disloyalty, be assured of it, they will find themselves much mistaken; for, should the day ever come when that loyalty would be put to the test, they would be found to a man rallying round the standard of the British constitution. And why is it that such conduct is to be expected from them? It is because they have under that constitution enjoyed thirty-five years of conciliation and progressive improvement. It is because they trust to the kindness and the wisdom of the British legislature. But, Sir, we want something more from the Irish people than mere loyalty; we want their affection; we want their confidence; we want their cordiality; we want to induce them to deal with us as friends and brothers, in order to put an end to those anxieties which disturb us, and free us from the feverish state in which we have so long been placed [hear, hear]. I beg pardon, Sir, for having trespassed at such length upon the attention of the House, and conclude by giving my most cordial support to the motion of the hon. baronet.

Mr. Secretary *Peel* said:—Notwithstanding, Sir, the length of time occupied by my right hon. and learned friend, I feel such confidence in the indulgence of the House, or rather in its justice, that I have no doubt it will allow me to state, as briefly as I can, the grounds upon which I dissent from the proposition of the hon. baronet, and the reasons why, after all the arguments I have heard, I do not find them sufficient to induce me to deviate from the course I have hitherto uniformly pursued upon this question. I will attempt to follow, as closely as I can, the different branches of the very able, and not less effective, because temperate and conciliatory speech of the hon. baronet. I think that he introduced this question for discussion on its true grounds, and I will apply myself to answer the questions put by him to the opponents of further concession. I apprehend that I state his case with perfect fairness, when I say that he rested his proposition upon three grounds; first, positive treaty; second, natural right; and, third, prudence and policy. All the arguments he employed may be included under those heads, and in that order I propose to consider them. If, in the first place, the hon. baronet could prove to me that there really existed a claim on the part of the Roman Catholics, established upon a solemn treaty between them and the Crown, I should be disposed to treat it with the utmost deference. The hon. baronet, and I believe the petition which he presented, demand the fulfilment of a treaty. I have, Sir, on previous occasions, considered the effect of the treaty to which they allude, and I am again prepared to deny, that the Roman Catholics can claim any privilege on the foundation of the treaty of Limerick. It is, no doubt, important for the House to consider whether, in with-holding what is now required at its hands, it is violating the terms of a solemn treaty; and I beg to ask the hon. baronet, whether he has referred to the articles of that treaty, and whether he really thinks, not that it has been infringed at any former period of our history, but whether any privilege is re-

fused in defiance of it? I will not now enter into the question whether the act passed early in the reign of queen Anne was an infringement of the treaty of Limerick. I admit very fairly, that the statute "for the prevention of the growth of Popery," was an abominable measure. Perhaps this is an unpleasant point of discussion; and as the hon. baronet very wisely abstained from entering upon it, I will follow his example; merely observing, that before we condemn the laws of the land, we are bound to consider the circumstances out of which they arose; and from those circumstances it appears, that it was an act of retaliation against the Catholics, for what they had done while in possession of political power. The hon. baronet will find, that by the first article of the treaty of Limerick, the Roman Catholics were entitled to be exempted from all molestation on account of their religious tenets: by other articles certain persons might claim the privileges of personal property, on taking no other oath but that of allegiance. Now, the hon. baronet extends this right to a claim, that the Roman Catholics shall be entitled to the enjoyment of civil office on taking the oath of allegiance only. That, Sir, I beg leave to deny; and I am content to rest my denial upon the speech of sir T. Butler, who was employed by the Roman Catholics to speak at the bar of the House of Lords against the passing of the bill against the growth of Popery. Sir T. Butler says, "the 10th, 11th, 12th, 13th, and 14th clauses of this bill relate to offices and employments, which the Papists of Ireland cannot hope for the enjoyment of, otherwise than by grace and favour extraordinary; and therefore do not so much affect them, as it does the Protestant Dissenters who, if this bill pass into a law, are equally with the Papists deprived of bearing any office civil or military, under the government to which by right of birth, and the laws of the land, they are as indisputably entitled as any other their Protestant brethren; and if what the Irish did in the late disorders of this kingdom made them rebels (which the presence of a king they had before been obliged to own, and swear obedience to, gave them a reasonable colour of concluding it did not), yet surely the Dissenters did not do any thing to make them so, or to deserve worse at the hands of the government than other Protestants; but, on the contrary, it is more than probable, that if they (I mean the Dissenters) had not put a stop to the career of the Irish army at Enniskillen and Londonderry, the settlement of the government, both in England and Scotland, might not have proved so easy as it thereby did; for if that army had got to Scotland (as there was nothing at that time to have hindered them, but the bravery of those people, who were mostly Dissenters, and chargeable with no other crimes since; unless their close adhering to, and easily appearing for the then government, and the many faithful services they did their country were crimes), I say if they had got to Scotland, when they had boats, barks, and all things else ready for their transportation, and a great many friends there in arms, waiting only their coming to join them, it is easy to think what the consequence would have been to both these kingdoms; and these Dissenters then were thought fit for command, both civil and military, and were no less instrumental in contributing to the reducing the kingdom, than any other Protestants: and to pass a bill now, to deprive them of their birth-rights (for those their good services) would surely be a most unkind return, and the worst reward ever granted to a people so deserving. Whatever the Papists may be supposed to have deserved, the Dissenters certainly stand as clean in the face of the present government, as any other people whatsoever: and if this is all the return they are like to get, it will be but a slender encouragement, if ever occasion should require for others to pursue their example." Sir T. Butler thus abandons all claims to civil office. Yet he was Solicitor-general to James 2nd—was employed in drawing up the treaty of Limerick, and was engaged by the Roman Catholics against the bill in the reign of queen Anne. I therefore think that we are quite at liberty to discuss this question, without having to combat any argument founded upon a supposed breach of the faith of treaties.

Next, the hon. baronet, and my right hon. and learned friend rest this claim upon the ground of natural right. And here again I directly join issue with them both. Indeed, this is one of the material points on which I have the misfortune to differ from some of the friends with whom I am in the habit of acting. It involves a great constitutional question, and my right hon. and learned friend goes even so far as to argue, that we have no

more right to exclude Roman Catholics from civil office than we have to divest them of their property. He places the spoliation of property, and the exclusion from civil office, on precisely the same footing; but he admits that both may be sacrificed to considerations of paramount necessity; but then that necessity must be clearly established. I cannot allow that the subjects of this country have any such claim as an abstract right, and I do not believe that the doctrine was avowed or maintained until comparatively recent times; I mean, until the year 1790. Let us look for a moment at the great periods in the history of the constitution. Previously to the Reformation there was unanimity in religious opinion: there was no dissent, and consequently no motive to exclude, and no reason for guards or checks; for it is to be observed, that these regulations now complained of are not so much checks on the privileges of the subject, as guards that have been introduced from a reasonable jealousy. Now, what has been the practice of the constitution since the Reformation, when religious dissent first became important? I say that the last three hundred years have afforded a practical contradiction of the doctrine laid down by the supporters of the claims of the Roman Catholics. At the time of the Reformation, the oath of supremacy was administered; and from the reign of Elizabeth up to the present moment, that oath has been enforced, and has operated to the exclusion of the Roman Catholics from office and from seats in this House. My right hon. friend the Secretary of State for Foreign Affairs, says that the law of exclusion had its origin only about a hundred and fifty years ago, but I deny the position; it had its origin with the first rise of dissent in matters of religion. What, let me inquire, has been the doctrine maintained by the most celebrated public men on the subject of exclusion from civil offices? I have had occasion before to refer to opinions entitled to the highest respect, especially from those hon. members to whom I am particularly addressing myself. A conference was held respecting the bill for Occasional Conformity, and the lords who conducted it, had objected to a measure which subjected to the penalty of perpetual forfeiture of office those who were guilty of the crime of occasional conformity. At the conference they stated this important doctrine: "The Lords look on the fixing of the qualifications for places of trust to be a thing so entirely lodged within the legislature, that, without giving any reason for it, upon any apprehension of danger, however remote, every government may put such rules, restraints, or conditions on all who serve in any place of trust, as they shall see cause for; but penalties and punishments are of another nature."* Now, can any thing be more clearly laid down than the distinction here taken between exclusion and penalty? And who were the lords that presided at the conference? —the duke of Devonshire, the earl of Peterborough, bishop Burnett, lord Halifax, and lastly, lord Somers himself [hear, hear!]. Next let me ask my right hon. and learned friend, what he says to that article in the Scotch act of Union, which permanently excludes Roman Catholics from certain offices? If there be this natural right, and if that natural right be correspondent with the right of property, is it possible to suppose that the great men who adjusted the articles of the Scotch Union would have allowed this permanent exclusion of the Roman Catholics? And yet without any of those immediate dangers from the power and tenets of the Roman Catholic Church, about which my right hon. and learned friend has spoken as the only causes that could justify such a measure now, the law of exclusion was introduced into that act of Union. But he (Mr. Peel) much wished that the House would look at the debates of parliament in a more recent period of our history.

But, coming to periods nearer our own times, when the dangers from popery may be supposed to have had less influence, I would call the attention of the House to the debates which took place in 1771 and 1774, on the subject of the Quebec act: let us look at the doctrine maintained by lord Chatham and lord Camden regarding the oath of supremacy. Both these distinguished men asserted, that the oath of supremacy was as sacred and as obligatory as Magna Charta itself, or any of the most sacred acts made at any period of our history. Now, Sir, can these opinions be reconciled with the claim of natural right? I very freely admit, that, at the conference to which I have referred, the peers who managed it, allowed, that exclusion from office by law was a punishment of the severest kind

* Parliamentary History Vol. vi. p. [illegible]

But, at a still more recent period of our history, in 1790, when the repeal of the Test-laws was under consideration, did Mr. Pitt admit the doctrine now contended for? Certainly not. Mr. Burke's dissent at that time was on the score of danger from the Unitarians; but Mr. Pitt, a warm supporter of the Roman Catholics, directly contradicted the position of the hon. baronet, and my right hon. friend. It should be recollected, that the Test-laws, then under discussion, were enacted with a view to the defence and preservation of the constitution; and Mr. Pitt told the House, that "he hesitated not to say, that if distrust were entertained of any one of the three branches of the constitution, it ought to be directed against the executive power. The persons excluded by the Test-laws, laboured under no kind of stigma; but it was the policy of private life not to allow any man to manage your affairs, whose principles you did not like; but the exclusion of dissenters could be looked upon as no punishment." I go further, and I maintain that if the doctrine be correct, the exclusion from parliament, and the refusal of the elective franchise, cannot be justified. It seems to me, that the power of sitting here, or of voting for members, is just as much a natural right as that for which my right hon. friend contends. Practically we know that, by an arbitrary distinction, persons who have not 300*l.* a-year, are not allowed to represent their fellow-subjects, and that a qualification of an inferior kind is also required from the electors. If the doctrine of natural right be correct, why are not individuals with 200*l.* a-year allowed to sit in the House of Commons, or why have not all the inhabitants of the kingdom a right to send them to it? The fact is, the right, such as it is, is sacrificed to state considerations. I know that the ground of exclusion in the case of the Roman Catholics is different, and I do not say that it is more mortifying because it is a personal exclusion; but I say, that the violation of right is the same.

Thus, I think, I have shewn why, on the grounds of authority and analogy, I differ from my right hon. and learned friend. If I could see any violation of natural right, and that any needless stigma was inflicted by the exclusion, I should be compelled to admit, that it was a grievance of a much more onerous nature. But I contend, that the state has a right to exclude on any apprehension of danger, and that not imminent or immediate, the onus probandi of which my right hon. friend would unfairly cast upon the opponents of the claims. My right hon. friend says, he would not convert the philosophy of history into a miserable almanack, or represent experience as a swindler, passing base money upon mankind. I agree with him; and I would look back to history for the instructive lesson it affords, and I would consult experience upon the abuses of power in all ages. If we were to follow the advice of the hon. baronet, we should neither take a retrospect of the past, nor a prospect of the future. He would neither be guided by events that have already occurred, nor look to the remoter consequences of granting what is required. This is certainly a very convenient way of arguing the question; but, for one, I beg to protest against the conclusiveness of any such arguments. I think that we are bound to consider what further measures may grow out of that which is now proposed. I ask, where is the overruling necessity for admitting these claims? For though Mr. Burke observes, that "it is a question of moral and virtuous discretion, whether, possessing a right, you will exercise it," I contend that we possess the right, that we ought to possess it, and that a sound discretion requires that we should exercise it.

With regard to the grounds on which I oppose myself to the demand now made, I have heard several imputed, upon which I do not mean at all to rely. First, I do not consider that we are obliged to take into view laws passed at an earlier period of our history, unless they are solemn national compacts—the foundation and settlement of important systems of government; but I cannot but bear in mind, that laws were passed three hundred, and one hundred and fifty years ago, guarding against what were then looked upon as dangers. I am bound, on the other hand, to admit that the time is come when we ought to consider whether there exists a necessity for maintaining them. I allow that exclusion from office is of itself an evil; I regret it, and I can only justify it as a defence against a greater evil; but, Sir, upon these grounds, I am against the motion of the hon. baronet.

The real question for the House now to determine is, whether there are sufficient reasons for retaining in their present

force the existing laws against the Roman Catholics? And, having stated to the House why I cannot admit the hon. baronet's proposition, either on the ground of the treaty of Limerick, or of the abstract right, I come now to the considerations of prudence and policy by which I have been led to a similar conclusion. The hon. baronet tells us, that he has never heard what the danger is; and he calls upon the opponents of his motion to point it out. Before I answer this call, I wish to inquire of the hon. baronet what is the object of his present proposition? I presume that the object is, to communicate power to those who are at present excluded from it—to devolve upon them a fair share in the framing, administering, and executing of the laws. Does the hon. baronet mean to give a mere barren capacity, never hereafter to be available? He can only claim upon this ground: as there is no danger, so there ought to be no disability, no distinction between the privileges of any of the subjects of the realm, but all ought to be equally eligible. If the two Houses of parliament mean to pass a measure of this kind, surely there can be nothing more unfair than to throw the odium of refusal of office elsewhere, and to create an unjust impression against the highest personage in the realm. Parliament ought not to give the claimants a ticket of admission, and when it is presented at the door of the constitution, trust to the Crown to shut that door in the face of the party claiming a right to be allowed to enter. I come then to what, in fact, is the main point, and which has reference to the circumstances of Ireland; and I ask first, whether the powers sought can safely be granted; and whether, if granted, it will conduce to tranquillity? I must own, that if I were perfectly satisfied that concession would lead to the restoration of peace and harmony; if I thought it would put an end to animosities, the existence of which all lament, I for one, would not oppose the measure on a mere theory of the constitution, when consent would secure such immense practical advantages. But, because I doubt whether the removal of disabilities on the conditions proposed, will promote tranquillity in Ireland, or lessen religious animosities; and because I think you cannot safely remove the disabilities, I am disposed to continue the exclusion. Now, let me ask, are these civil disabilities the cause of the disorders which had so long prevailed in Ireland? If you trace back these disorders as far as actual commotion is concerned, you will find that they have no such origin. How happens it otherwise, that, in the province of Ulster, where the numbers of Catholics and Protestants are nearly balanced, the Insurrection act has not been in a single instance enforced? How happens it otherwise, that the partial removal of disabilities has not been attended with any beneficial effect? In 1792, the Roman Catholics came forward, and asked to be rendered capable of holding the office of magistrates, and of enjoying the elective franchise. They wanted, they said, nothing more, and those persons grossly maligned them, who said that their wishes went further. The elective franchise was conceded even more fully than they requested it; and Roman Catholics were permitted to serve as well on grand as on petty juries. Since these concessions, has there been any diminution of party feeling and factious animosities? Do the Protestants and Catholics live upon better terms than before? I think not. But the answer of the supporters of this proposition will be "While you retain any thing, while you refuse to put both parties upon an entire equality—the evil will continue; but, as soon as they are equal, it will cease. Admitting this, for the sake of argument, for a moment, will the concession now claimed put them on an entire equality? What is claimed is a mere capacity or eligibility to office; and after you have granted that, will you be able to concede what the Roman Catholics would consider a just distribution of office? Would not the distinction thus necessarily drawn, be infinitely more galling and mortifying, since it would be reduced to a mere personal exclusion? When vacancies occurred, if a Protestant were preferred to a Catholic, would it not constantly expose the government to jealousy and reproach? Without, reviving painful recollections of past rebellions, let us consider, after the removal of the disabilities, the very anomalous situation of Ireland. It appears to me, that those persons always act unfairly, who connect these disabilities with the penal laws against the Catholics. No man holds in greater detestation than I do those penal laws; I do not mean to inquire whether they were necessary by way of retaliation; but, as I before stated, I draw a clear distinction between disability and punishment. But, look at the anomalous state

of Ireland in respect to property. The respective numbers of the Catholics and the Protestants may be 4,200,000 to 1,800,000; but I do not overstate it when I say, that, notwithstanding this disproportion, the property in the hands of the Protestants is as twenty to one. Some have asserted, that it is fifty to one; but I do not think it any thing near to that amount. After equal capacity of office shall have been given to all, the religion of the great minority is to remain the religion of the state. I am told, that it is perfectly safe in Ireland to admit the professors of all religions to the enjoyment of the same privileges; and after this has been accomplished, the Protestant church is still to be retained. I know several hon. members, and among them the member for Montrose (Mr. Hume), who contend, that it is impossible. On this point he agrees with me: for, over and over again, he has argued, that it is a mere mockery to suppose that the Roman Catholics will be satisfied with a Protestant church establishment. They will constantly endeavour to recover the power they have lost, by overturning a system which they view with other eyes than ours. It is not necessary for me to say, that I would disbelieve a Roman Catholic on his oath, God forbid; I do not say so; on the contrary, I will put him on the same footing with the Protestant, and admit, that, in all the relations of private life, he is as valuable a member of society. But, supposing him true to his own principles, and to possess the ordinary feelings of man, he cannot look with a friendly eye upon those events which we are accustomed to reverence, and upon that system of religion which has grown out of them. Can he regard the Reformation, for instance, with the feelings of a Protestant? My right hon. and learned friend says, "You find that, at the Revolution, the danger to be apprehended was from a Roman Catholic king. What did you do then? Why, you passed a law, that the king of England should act in conformity with the law of England." But, there was a danger of another kind in the reign of Charles 2nd. Charles 2nd was in outward appearance a Protestant; and it was not until his death that it was discovered what Charles 2nd was. My right hon. friend says, if the evils that threatened us in the reign of Charles 2nd are at an end, why not remove your restrictions in this case? Now, what would the bill proposed to be brought in do? The Catholic is to be admitted without restriction into parliament, and into office, provided the king approves of him. He is to be as perfectly free as we are ourselves, unfettered by any restrictions; and at liberty to pursue what he conceives to be the interests of his country, and the justice of his cause, with perfect freedom. You tell us, that these laws have the effect to extinguish the fervour of hearts that may be "pregnant with celestial fire," almost celestial, and to paralyse the hands that might have swayed "the rod of empire." When this man comes to be the leader of a party, has he not a right to maintain the religion to which he belongs? I speak not of the demagogue, whom my right hon. friend says, he should like to see in this House, as he would soon find his level; but I take the case of a man sincerely attached to his religion. We are told in this very petition, that the professors of the Roman Catholic faith in England and Ireland exceed in numbers, the members of the established church. Be it so. This individual, then, comes into this House sincerely attached to the religion in which he has been educated, and which is a sufficient reason for his adhering to it—he has all the influence which his personal character gives him; he is placed at the head of a party. Is the Crown to say, "although you are a man of powerful abilities, yet I must shut you out?" After you have capacitated him to become Secretary of State, or first lord of the Treasury, is the Crown to turn round and say, "I cannot admit you?" Is that the way to conciliate such a man as this? But, suppose, Sir, the Crown employs him in its service—in what a situation do you place him? Can he exercise a sound discretion, in regard to those measures which relate to the safety of the church of England? It appears to me, he cannot give a safe judgment; and therefore I am for excluding him; and not trusting to the Crown to refuse the ticket of admission you have given him.

Then, Sir, am I to be told, that I am insulting the professors of this faith, if I admit that I view the tenets of such a religion with distrust? I have a right to look to the influence which it possesses over the minds of men; and I do say, I view with the greatest jealousy the re-admission of the Roman Catholics to office. It is most extraordinary that we should be taunted in this way now, seeing that, up to this hour of the debate, we

have not heard one single word on the subject of those securities which used to form so considerable a part of the Catholic professions. Are they content, I ask, to give us those securities which are taken by every other state in Europe? I believe there is not a state that admits their professors, that does not keep a direct control over their appointment. It is supposed that, after you have decided in favour of the prayer of this petition, if you should do so, that there will be an end of all religious animosity; and my right hon. friend asks, "are you afraid of the Pope in these days?" I am not afraid of the Pope, nor of the Pretender; but, I am afraid of a powerful internal party in this country, of whom great numbers are dissatisfied, as they must be, with our principles of religion; and I can never think they can be fit to enact laws respecting the established religion. When I hear that the nature of the Roman Catholic religion is changed, I must say, after a pretty accurate review of what has been passing in Ireland—and I say it in no unfriendly spirit—that that church would have consulted its own dignity much better, if it had avoided several publications that have lately appeared. In proof of the little alteration which the spirit of the Roman Catholic religion appears to have experienced from time, notwithstanding all the asserted illumination of the nineteenth century, I will read a passage from a little work published by one Coyle, relative to the miracles performed by prince Hohenlohe; and I contend, that, so far from the change which gentlemen speak of. having taken place, I believe the laugh with which they greeted the mention of the name of prince Hohenlohe, would have offended no set of persons so grievously as the Roman Catholic priesthood of Ireland. Amongst the number of cures performed by his highness in the city of Wurtzburgh, was that of the princess Matilda Von Schwartzenburgh. She had been lame from her eighth to her seventeenth year, and had vainly expended on medical aid 80,000 florins—but was cured by the prince's intercession. The Wurtzburgh doctors who got the 80,000 florins, must have had a very fine time of it: the name of prince Hohenlohe cannot be very popular among them, at any rate. But at Bamberg the prince's success was yet more miraculous. Two sisters, who had been confined with lameness for ten years, were cured. Councillor Jacob, a councillor of state, who had not stirred out of his chamber for some years, suddenly accompanied his doctor from the third story to the street-door. A beneficed clergyman was cured of the gout while passing through the streets of Bamberg, without ever getting out of his carriage; and, besides these, an upholsterer, a saddler, and a stone-mason, had all been operated upon by similar miracles. The saddler could now look after his workmen, without stick or crutch [a laugh]. Honourable gentlemen may laugh, if they please, at so much credulity; but they should know, that in no part of the world are the wonder-workings of prince Hohenlohe talked of with more profound respect and faith than in Ireland [hear, hear].—I will next read an extract from a book signed J. K. L., said to be written by Dr. Doyle, being a communication to the whole Roman Catholic communion of Ireland, of the rescript of Leo XII., the present pope, addressed to the bishops, &c., complaining of the mischief effected by Bible Societies; and containing this passage, "The power of temporal princes will, we trust in the Lord, come to your assistance, whose interests, as experience shows, are always concerned when yours are in danger; for it never hath happened that the things which are Cæsar's are given unto Cæsar, if the things which are God's be not given unto God." Now, a letter of this kind, talking of the temporal power of other princes coming in to suppress Bible Associations, appears to me to hold out a doctrine as monstrous as can well be maintained. If there were any thing wanting, which would call upon me to express my decided opposition to the claims of the Catholics, it would be the admission of letters of this sort, published by the authority of the Roman Catholics in Ireland, containing passages of this description. My belief is, that, after they obtained those privileges which they seek, they would not cease in their endeavours, but would still struggle for the pre-eminence of their religion. That is not my opinion only. The same Dr. Doyle says, "Catholic emancipation will not remedy the evils of the tithe-system; it will not allay the fervour of religious zeal." Indeed, how can the removal of civil disabilities extinguish the fervour of religious zeal? The bishop goes on to say, "the perpetual clashing of two churches, the one elevating, the other

falling, both high-minded, will not check the rancorous animosities with which different sects assail each other; it will not remove the suspicion of partiality in the government; it will not create sympathy between the different orders of the state, which is mainly dependent on religion, nor produce unlimited confidence between man and man. Emancipation would only lead a passage to ulterior measures." What are the "ulterior measures" to which Dr. Doyle alludes? I do not pretend to know their object; but such language satisfies me, that if the disabilities were removed, the Catholics would not be satisfied—

"Still to new heights their restless wishes soar;
Claim leads to claim, as power advances more."

The right hon. gentleman then expressed his regret at differing from his right hon. and other friends, with whom he was accustomed to act; and at the same time his anxiety that penal laws should be abolished, together with offensive processions, and all other local causes of discontent and heart-burning. He did not deny that great evil might have been done by the policy which had been formerly pursued towards Ireland; but that was no reason why the measure which was now urged should be adopted. It was no reason why he should change the opinions he had formed upon a serious and firm conviction. It was the duty of public men to act on their own impressions, and not to defer to authority, however high it might be, while they were unconvinced by argument. He was not convinced by the arguments he had heard; and he should therefore not defer to the authority by which they were enforced. Without dwelling on the objections as to the time at which this motion was proposed, or its present expediency, he openly announced his objection to its principle. He should, therefore, pursue the course which hitherto he had uniformly persisted in, and give his decided oppostion to the measure.

Mr. *Brougham* said, he could not allow the speech of the right hon. gentleman, nor the new topics which had been introduced in it, to pass unnoticed, notwithstanding the late hour of the night. The arguments which those who supported the motion had urged, remained untouched by any thing the right hon. gentleman had said. The speech of the right hon. the Secretary of State for Foreign Affairs, whom he did not now see in his place, in which there was more of force and effect concentrated in a small space than in any speech which he ever remembered to have heard, remained unanswered, because he believed it was unanswerable. He had been intrusted with a petition from the Catholics, praying that the privilege of being eligible to serve in parliament might be granted to them; but he had declined to present that petition, until the motion before the House should be disposed of. If, as he fervently hoped and confidently expected, the decision of the House should be in favour of the first petition, it would preclude the necessity of his presenting the second. He would proceed to follow the right hon. gentleman in the argument into which, as he said, he had been dragged. When the right hon. gentleman supposed that the hon. baronet, in alluding to the treaty of Limerick, meant to rest upon it the strongest part of the case which he had to state, he was mistaken. The hon. baronet only touched upon it because it was alluded to in the petition, and without laying any greater stress upon it than it deserved. No one could deny, that in all the stages of the question it was a very important feature. All that the hon. baronet meant to prove by it, he thought he had fully succeeded in. For his own part, he should make short work of it. It was now one hundred and thirty years since that treaty was made. It had been violated; by whom he cared not; but the wrong done by that violation was perpetuated by the parliament of the present day, if they refused to fulfil it. One clause in the treaty promised, in express terms, that the Catholics should enjoy the same privileges which they had been in possession of in the reign of Charles 2nd. In that reign they possessed the privilege of being elected to serve in parliament. They had access to all the offices of the state, excepting corporations, which were reserved for a different class; and from these they were now wholly shut out. The hon. and learned member quoted a passage from Mr. Burke's posthumous works, in which reference was made to this treaty, and to the injustice which the Catholics suffered from its not having been carried into effect; the consequence of which was, that they were precluded from their natural rights, and from the benefits of society. Having done this, he said he would lay down the book, and quote no

more from this or any other authority—a pledge to the House that he would detain them no longer than might be absolutely necessary. With the exception of one single occasion, soon after he had first sat in parliament, he had never yet had an opportunity of expressing his opinions on the important subject now before the House. It might be true, that the Catholics enjoyed their natural rights with less restriction now than had once been imposed upon them. It was unquestionably a greater hardship that a man's son should have the power of ousting him of the possession of his property, than that he should be debarred from the exercise of any civil privilege. But, civil rights, although they differed in degree from natural rights, were not the less scrupulously to be preserved, and not the less justly to be enjoyed, by every member of the community. To have the privilege of being elected, as well as that of electing, was the right of every man who was fit to exercise such a privilege; and to say that a man who was in every way fit to serve the state, who was, in point of wealth, abilities, acquired knowledge, and all the necessary requisites, most competent to discharge any of the duties which belong to the station he was to fill—to say that such a man should not be elected, because he conscientiously believed in the service of the mass, and in the doctrine of transubstantiation, was most unjustifiably to deprive that man of his political and civil rights. It might, indeed, happen, in the case of some state necessity, some great political event, that the right of an individual to hold his own property must be abandoned, if the good of the community required it; but not in any other case. It was the practice of the House every day (perhaps it was the least creditable part of their practice) to pass private bills which invaded the rights of private property. Would any man doubt or deny that this was such an invasion? In all such cases, they gave compensation if it were possible; but if it were not, the measure was nevertheless carried. The interests of the individual were sacrificed to those of the whole; but only on condition of the necessity which demanded it. But, not to follow this argument any further, what folly was it, at this time of day, to tell us that it was only from political rights the Catholics were precluded?—to say, that the Catholics of the present day were not, like their ancestors, ousted of their property, because they worshipped God according to the dictates of their consciences?—to tell them that they were no longer hewers of wood, and drawers of water to their Protestant brethren—that they were privileged to eat, and drink, and be clothed—that they were no longer persecuted and tortured for their religion's sake—and that all the disabilities they lay under were such as they might therefore endure without repining? Were they not shut out from all that dignified and exalted the character of man in society? Was not a broad distinction drawn between them and us, which made their lot as degrading as ours was splendid? Were not the portals of the temple of honours shut against them? Were not the entrances to the legislature barred? Had they any voice in making the laws which they were compelled to obey, or in the imposition of the taxes which were levied upon them? Were they not deprived of all share in the civil government of the state; and did they not endure all this because they dared to be honest, and to worship God according to the religion of their ancestors, and the religion of their own hearts? What worse than folly was it, then, to say that these were only political disabilities—that this privation of all the civil rights best worth enjoying could be justified?—It was said, that the claims which the Catholics made to a full participation in all the advantages of the constitution could not be granted to them consistently with the safety of that constitution; but the concessions which had already been made were still more inconsistent. Did they think they gave men the right to elect, and to send members to parliament for the purpose of representing their opinions, and advocating their interests, if they told them at the same time, "You have full power to choose whom you please, excepting those very men whom of all others you wish to choose?" Why, the only value of the elective right was, that it enabled men to send to parliament persons who agreed with them in political sentiments, and who were of the same sect in religion. He would suppose, for example, that the Tories, having the right to impose such terms on the Whigs, should say to them, "We look upon you all as damnable heretics; you profess political opinions which have kept you out of power for sixty years, as we Tories were kept out of power for sixty years before, in conse-

quence of the opinions we entertain. We consider that, of all heresies, yours is the most detestable; you believe, that all power is held in trust for the people; and he who thinks this is 'fit for treasons, stratagems, and spoils—let no such man be trusted.' If the benches on that side of this House should be filled with Whigs like you, no one could tell what might be the consequence. But, we mean to confer upon you the elective right; you shall send whom you please to parliament, but you shall select them from the body of the Tories." The members of the universities of Cambridge and Oxford would little like the application of this principle to themselves. They would feel it something like injustice to be told, "You may elect whom you will, excepting members of your own body. They are all a set of men whose minds are narrowed by prejudice, and darkened by learned ignorance. They are persons to whom history is merely an almanack, and experience a swindler—to whom knowledge is pedantry, and caution dotage. They shall not be allowed to take their places here, because they will oppose every thing which tends to the improvement of mankind, and to the diffusion of wise and liberal principles. You may choose any body else you like, but we will have none from Cambridge or Oxford. Go to the university of St. Andrew's and Aberdeen, where there are many able, liberal, and enlightened men. None of the prejudices which grow so luxuriantly on the banks of Cam or Isis, can have extended their influence to them: they will not endeavour upon all occasions to prevent the march of improvement, and the amelioration of the human mind" [hear, hear]. He did not think the members of Cambridge or Oxford would thank the House for such an elective franchise. The Catholics scarcely did so when they obtained it; although, as it was the first, it was a very important concession to them. When lord Buckinghamshire (then major Hobart), in the year 1793, brought in and carried a bill, which had been rejected in 1790, and which was only granted at last—as the history of Ireland would show every thing had been granted—because the government was in some difficulty, he was asked, whether he was instructed to say that the Catholics would be satisfied with having the elective franchise granted to them? His answer was, not only that he was not authorized to say so, but that, on the contrary, he was authorized to say, they could not be satisfied. Another bill was then brought in by Mr. Knox, to confer upon them the eligibility of serving in parliament, but it was lost by a large majority.—But, leaving the history and the natural justice of the question, he came to the ground of expediency, under the existing circumstances, of emancipating the Catholics from the disabilities they had so long suffered under. There was a great fallacy in the argument of the right hon. gentleman. He (Mr. Brougham) admitted the tone of suavity which the right hon. gentleman had adopted towards all sects. It was not only making the best of a bad case, but as it imitated the conciliatory tone which his hon. friend assumed in submitting his motion to the House, it would have the effect of extending that feeling generally, and he therefore thanked him for it. But, the right hon. gentleman did as combatants were apt to do—he looked only on the side on which he fought, and forgot that the same complaint which he made of the vexation on one side, applied to the other. For example, much stress was laid upon the danger which must arise to the Protestant establishment, owing to the great disproportion of the numbers of the Catholics, and which had been stated by an hon. gentleman opposite; he did not know upon what authority. It was said there could be no safety, while so many Catholics were leagued against so few Protestants. Why, this was exactly what he (Mr. Brougham) said. He urged, that because danger existed, a remedy should be provided for it. He saw that they were surrounded by peril, and he wished them to find their way out. The right hon. gentleman saw it too, but he said, "Let us do nothing, and wait the event." But the right hon. gentleman said, "the Catholics want power—have they not power now?" They had not that power to which they were entitled, and of which he believed they neither would nor could make any improper use. If they were admitted into that House, the stigma which rested upon them would be removed, and a general conciliation would be effected. His belief was, that if as many Catholics as could be supposed should be returned to parliament, thirty or forty for example, not one proposition would proceed from them. The Dissenters, of whom there were as many in number out of doors as there were of the Established Church, had only four or five

of their body in the House; and from them no proposals had ever been made of a nature hostile to the church establishment. He was not a little surprised to hear the statement which the right hon. gentleman had made respecting the supposed effect which the doctrines of prince Hohenlohe had produced. If he had wanted an antidote to the dread which the superstitions of those sectaries might have spread, he should have thought he had found it in the pamphlet which the right hon. gentleman had so gravely read to the House. Would any body believe that an assembly of enlightened educated men, with all their Protestant prejudices in their bosoms, could be influenced by such trumpery fanaticism? Could it be supposed that the admission of a few lords into one house, and of a few commoners into the other, would have the effect of overthrowing Dr. Middleton's "Free Inquiry," and induce a belief in the stories of the cures performed on a saddler, on a princess, and on a gouty old man? Why, if this pamphlet were the most seductive that the church of Rome ever vomited forth (and he could assure the right hon. gentleman that there were many most ingenious productions), he would pick out three of the weakest men in the House—he meant on that side of the House where the men must, of necessity, be weak, since although they had no Test act applied to them, they had been kept out of office for many years; to these three he would add six others from out of the House, and they should pore over it for a whole calendar month without any of them having his faith shaken, but, on the contrary, confirmed. The right hon. gentleman had read, too, with a triumphant air, a declaration of Pope Leo XII., in which he expressed his expectations, that Bible Societies would be put down by George 4th and other temporal princes. The Pope's only reliance, next to his miracles, was upon the assistance which he expected to derive on this subject from temporal princes. But, the Pope was not alone in his wish to prevent the dissemination of the Bible without note or comment. The same sentiments were avowed by the heads of the Universities; and he had read a very able, ill-written, injudicious pamphlet, by the Archbishop of Canterbury's chaplain, in which this Romish doctrine was laboriously enforced. So much for this argument. His hon. friend, the member for Norwich (Mr. W. Smith), who was known to be a dissenter, and who had submitted many measures to the House, had never proposed any one which related to his own peculiar religious opinions. That individual, though in public he mentioned the disqualifications under which persons of his persuasion laboured, never attempted to make converts—never attempted to wean individuals from any doctrines connected with the church, although they might be opposed to those tenets which he himself professed. He desired to know, whether there were no dissenters in that House who held offices? He desired to know whether, in certain cases, the ordinary tests, were not dispensed with by law? He would ask, whether this country had never seen a Lord Chancellor, with the patronage of the church in his hand, professing the doctrines of a Presbyterian? He would ask, whether this country had never seen a state minister, who was imbued with the heresy of Socinus, as the established church called it? Had they never heard, that, even in that House, there had been members, who were denounced, on account of their tenets, as pernicious and damnable heretics? All these they might have had in office, some of them they certainly had in office—wielding all the power of the state—directing the monarch in all his measures—conducting the whole public treasury of the country. And, had any danger, during these periods, menaced the safety of the church? Had his hon. friend, the member for Norwich, ever made any attempt to undervalue or undermine the interests of the established church. Had any dissenter who had ever entered that House, made such an effort? No. Years had revolved—very nearly a century had passed by—since that body were permitted to enjoy those privileges which the Catholics now called for; and no such attempt had they, during that period, been charged with. No one instance had occurred of mischief done, or of danger apprehended. And yet they were now told—ay, gravely told—that right, and justice, and expediency, must, in the case of the Roman Catholics, be thrown aside, because, if they were restored to their privileges as freemen, the church would be in danger! [Hear, hear]. What could the Roman Catholics do if they were in power? He admitted that they would have additional weight and influence, if they were intrusted with political power. But, had they no power

at this moment? That was his question; and he entreated the House to consider the subject in that point of view. They had much power—as great, in degree, as if they were admitted into parliament; but much worse than it could possibly be if they were received into the bosom of the constitution. It was, at present, a dangerous—it might become a mischievous, a fatal power. Let the legislature, then, convert it into a regular, constitutional, proper power; and there was an end of the danger. The door would then be effectually closed against any apprehended mischief. He would name no man; but this he would say, that greater natural abilities, more acquired talents, finer skill, and, what he would very much dread to encounter in an opponent, nicer discretion, he never saw displayed, in a more extensive degree, than he saw those qualities displayed by those who now conducted the affairs of the Roman Catholics. He repeated, that men of greater talents—men of more information—men of practised skill—men possessing greater powers of self-command—men actuated by the dictates of a more sound judgment, or distinguished by a finer sense of discretion, he had never seen [hear, hear]. He spoke not merely from public report, but also from private conviction. These were the elements of public power. Men so accomplished—so richly endowed by nature—so much improved by study—backed by their countrymen (he cared not whether six, or five, or four millions)—such men, it must be admitted, possessed power. That which he had described was power; or he knew not what power was. The power which those persons wielded was dreaded by the government. Why did he assert that it was dreaded? Because, to control that power, they broke through the principles of the constitution, and enacted mischievous and revolting laws. His (Mr. Brougham's) *panacea* was—"Give to those people their birthright: you thus take that power from them. Let the six millions be sixty millions; if they have no grievance, you have no cause of fear. Act thus, and all this national talent—all this acquired ability—all this practised skill—all this nicely-balanced discretion—will be exerted for your service—will no longer be wielded against you" [hear, hear]. The elements of strife and confusion were abroad. The energies which oftentimes accompanied political disappointment, and the fire which always attended religious zeal, and the discontent which a refusal of justice must ever engender, might, when combined, produce the most fearful effects. His remedy was plain and rational—"Take all those elements into your own hands—work them properly—control them, not by coercion but by kindness—attract them to you by benefits, instead of repelling them by injuries; and no longer will you lie down under the apprehension of nightly insurrection."—His hon. and learned friend, the solicitor-general, had said, that, even if he were a friend to this measure, he would not be frightened into it. This was the worst of all possible arguments. Why should any man say, "I will abstain from doing a right, because it is boldly demanded?" Why should any man say, "I know that such an act is right; but as I am importuned to perform it, I will refuse, and thereby perpetuate wrong?" For a man to submit to do that which he ought not to do through fear, was lowering him in the scale of human society; and, was it not equally degrading when a man, from a principle of obstinacy refused to do that which he ought to do? Was such a course respectable, or dignified, or intelligible, or one that could be mentioned with gravity? Why, it was saying, "Don't desire me to do a good act; for if I am so counselled, I shall certainly refuse." He knew that his hon. and learned friend was not friendly to this proposition; but he put his argument of not being threatened into compliance, to those who were well-wishers to the measure. If those individuals adopted it, they would, in effect say, "I know this is right; I wish to carry the measure; but, alas! you frighten me!" It was declaring neither more nor less than this—"We wish for the measure, and the legislature is bound to listen to the proposition; but they must also hearken to the calculation of danger. The present is a time of danger, and we will not concede this measure on compulsion." This, however, was a fallacy. No government, no legislature, need fear the attack of factious men, if justice were done to the community. There was no reason to fear assaults on the constitution; there was no reason to dread attacks on the establishments of the country. But, that which was really formidable, that which the legislator ought to listen to, was the fear of doing wrong and injustice. Such acts were criminal in themselves—such acts were formidable, for they tended

to produce discontent with all its train of evils. He was a good counsellor who told them not to do that which was mean, and low, and oppressive, but who pointed out that which was noble and just, that which it was their duty to execute—one who showed them how, when the state was in danger, to take those steps by which that danger could best be removed. They stood in that place, as the trustees for others, and they ought not to waste their time by a display of their own individual feelings. Was it their own persons they were alarmed for? Did they dread personal danger? No; the danger of civil war was that which some of them seemed to apprehend. That danger ought to be prevented: and he had pointed out the sure way of setting to rest every apprehension on that head. Civil commotion was of all things the most to be dreaded; but it was their own fault if they did not, by liberal measures, dissipate any fear of danger of that description from Ireland. [hear.]—The right hon. Secretary said, that the Roman Catholics had already been favoured with concessions; and he quoted two instances. The answer to his statement was simply this—The Catholics were now asking for that which was reasonable; but, said the right hon. gentleman, "If we grant this, they will ask for something that is unreasonable."—In reply to this, he would say, Wait till they make the demand, and then refuse them; but do not reject a reasonable suit, from the fear that an unreasonable one should follow. It was feared, too, that the Roman Catholics would, if admitted to political power, interfere with the existing establishment. But, had not the fact been stated, on the most incontestable authority, that they did not wish to meddle with church property—that they had no desire to interfere with tithes—and that, least of all, had they any idea of transferring them to the Catholic church. Why, then, he demanded, should not the legislature grant that which was unobjectionable, when they had the power of refusing whatever appeared improper? He was astonished when he heard the right hon. gentleman state that no mention was made of securities. Since he had distinctly heard his right hon. and learned friend say, that he would vote for no bill except it was stated in the preamble, that the Protestant Church, as it now existed in Ireland and in England, should be inviolably preserved. He understood him to say, that securities were to be introduced, substantially the same as those which were attached to the former bill, and that a new one, and he conceived the best, would be added; namely, a provision for the Catholic clergy. Could this be proposed now? It was impossible. They could better ask the layman to be an apostate, than the clergyman. If the latter accepted any favour until emancipation were granted, he would be lost to his flock—he would be despised as one who had preferred his own interest to their welfare. What would render this step proper in the eyes both of the clergy and the laity, would be, to give freedom to the laity; and then, and not till then, to offer to the clergy that provision which the wisdom and justice of parliament might deem expedient. They would receive it from the hands of the legislature thankfully; because, he conceived, they would then receive it honourably. But if they accepted of such a boon before emancipation, it would produce nothing but disgrace and irretrievable ruin. The course which he now advocated, he had suggested long before the Roman Catholic Association was in being. If that course were pursued, he was sure the Roman Catholics would be satisfied, and that Ireland would be placed in a state of safety. What might happen if this proposition were not agreed to, he could not say. He trusted the peace would be preserved, and the laws obeyed. He thought he might say that they would, from what he had seen of those individuals. He believed they would act like good subjects, and bow before the refusal of the legislature if their prayer was refused. But, well he knew what dire effects were produced, when those who had the power of conciliation in their hands, persisted eternally in perpetrating wrong, instead of doing justice; and when they considered the state of Ireland, and the deep anxiety which existed in that country for the accomplishment of that which their advocates had undertaken to procure—for the acquirement of that which the people knew, and that House knew, ought to be granted to them—the legislature would pause before they refused their claims. If they found that the reward granted for the peace and tranquillity which Ireland had lately enjoyed, consisted in new rejections and new oppressions, without predicting the consequences, he might be allowed to say, that the experi-

ment was an exceedingly dangerous one. He fervently hoped that, by granting the boon called for by the Roman Catholics, they would place on a firm basis the peace and tranquillity of Ireland.—The time had been objected to; and he was sorry that a right hon. gentleman had expressed an opinion, that the present was not a proper period for this concession. He must say, that if there was any thing wrong in pressing these claims forward at the present moment, he was ready to take his full share of the blame. His entire belief was, that it was prudent to pursue this course; that it was the most politic line of conduct that could be taken: and he thought, that if the measure now proposed was not carried, the peace of Ireland would be placed in jeopardy. He earnestly and solemnly entreated the House to take that opportunity, while a measure of a different description was pending in another place, to adopt a line of policy which would improve the state of Ireland—would reconcile the Catholic and Protestant bodies—and would put an end to all those factions and dissentions which had so long distracted that country. That object could only be obtained by granting to the Roman Catholics their just demands; and every measure having that object in view should meet with his most cordial concurrence.

Sir *C. Forbes* rose amidst cries of "Question." He said, he had for thirteen years supported the Catholic claims, while they were urged in a temperate manner, but he now felt it his duty to oppose them, when he found the Catholic Association threatening that House that if parliament did not accede to their demands they would compel them to grant them.

Sir *F. Burdett* said a few words in reply. He thanked the right hon. gentleman (Mr. Peel) for the candid manner in which he had declared, that his objection went to the principle, and not to the details of the question of Catholic emancipation. The right hon. gentleman talked of danger; but, what was the danger which he apprehended, compared with the consequences which would result from refusing to grant the just claims of the Catholics? On one side was the real danger, which arose from suffering Ireland to remain in its present state; and on the other side, that imaginary danger which filled the right hon. gentleman with so much alarm—the danger of admitting a few Catholic peers into the House of Lords, and a few Catholic gentlemen into the House of Commons, and giving the sovereign the prerogative of admitting, if he thought proper, a few Catholics to certain offices of state.

The House divided—for the motion 247; against it 234; majority 13. The announcement of the numbers was received with acclamation.

List of the Majority, and also of the Minority.

MAJORITY.

Abercromby, hon. J.
Abercromby, hon. G. R.
Acland, sir T. D.
Althorp, visc.
Anson, sir G.
Anson, hon. G.
Arbuthnot, rt. hon. C.
Bagwell, rt. hon. W.
Baillie, J.
Baring, sir T.
Baring, A.
Barnard, visc.
Barrett, S. M.
Bective, earl of
Becher, W. W.
Belgrave, visc.
Benett, J.
Benyon, B.
Bent, J.
Bernard, T. jun.
Binning, lord
Birch, J.
Blake, sir F.
Bourne, rt. hon. W. S.
Brandling, C. J.
Brinkman, T. H.
Brougham, H.
Browne, Dom.
Brown, right hon. D.
Brown, J.
Bury, visc.
Byng, G.
Calcraft, J.
Calcraft, J. H.
Calthorpe, hon. F. H.
Calvert, C.
Calvert, N.
Campbell, F.
Carew, R. S.
Caulfield, hon. H.
Cavendish, lord G.
Cavendish, H.
Cavendish, C.
Chaloner, R.
Chichester, sir A.
Clark, sir G.
Clark, hon. C. B.
Clifton, visc.
Cocks, J.
Coke, T. W.
Coke, T. W. jun.
Colborne, N. R.
Colthurst, sir N.
Cooke, sir C.
Courtnay, T. P.
Cradock, S.
Creevey, T.
Croker, J. W.
Cumming, G.
Daly, J.
Dawson, G.
Denison, W.
Denman, T.
Disbrowe, E. C.
Doherty, J.
Don, sir A.
Drummond, H. H.
Dowglas, W. R. K.
Dundas, hon. T.
Dunlop, J.
East, sir E. H.
Eastnor, visc.
Ebrington, visc.
Edwards, hon. E.
Ellis, hon. G. A.
Ellis, C. R.
Ellice, E.
Ellison, C.
Ennismore, visc.
Evans, W.
Evelyn, L.
Farquhar, sir R.
Fergusson, sir R.
Fitzgerald, lord W.
Fitzgerald, rt. hon. V.
Fitzgerald, right hon. M.
Fitzroy, lord C.
Fitzroy, lord J.
Fitzgibbon, hon. R.
Folkestone, visc.
Forbes, visc.
Frankland, R.
Fremantle, W.
French, A.
Gaskell, B.
Gladstone, J.
Glenorchy, visc.
Gordon, R.
Gower, lord F.

Graham, S.
Grant, C.
Grant, F.
Grant, G.
Grant, J. P.
Grattan, J.
Grenfell, P.
Grosvenor, hon. R.
Grosvenor, T.
Guise, sir W.
Gurney, H.
Hamilton, lord A.
Hardinge, sir H.
Hawkins, sir C.
Heathcote, sir G.
Heathcote, G. J.
Heron, sir R.
Hill, lord A.
Hobhouse, J. C.
Holdsworth, T.
Honeywood, W. P.
Hornby, E.
Howard, hon. W.
Howard, H.
Hume, J.
Hurst, R.
Huskisson, right hon. W.
Hutchinson, hon. C. H.
Hyde, J.
Ingleby, sir W. A.
Innes, sir H.
James, W.
Johnson, col.
Kennedy, T. F.
Kingsborough, lord
Knight, R.
Knox, hon. T.
Lamb, hon. W.
Lamb, hon. G.
Lambton, J. G.
Lawley, F.
Leader, W.
Lester, B. L.
Lewis, T. F.
Leycester, R.
Littleton, E.
Lloyd, S. J.
Lushington, S.
Maberly, J.
Maberly, W. L.
Macdonald, J.
Mackintosh, sir J.
Mahon, hon. S.
Marjoribanks, S.
Martin, R.
Martin, J.
Maxwell, J.
Milbank, M.
Mildmay, P. St. J.
Milton, visc.
Monck, J. B.
Moore, P.
Morland, sir S. B.
Newport, rt. hon. sir J.
Normanby, visc.
North, J. H.
Nugent, lord
Nugent, sir G.
O'Brien, sir E.
O'Grady, S.
Onley, C. S.
Ord, W.
Osborne, lord F.
Paget, sir C.
Pakenham, hon. R.
Palmer, C.
Palmer, C. F.
Palmerston, visc.
Pares, T.
Parnell, sir H.
Phillimore, J.
Philips, G.
Philips, G. jun.
Plunkett, rt. hon. W. C.
Ponsonby, hon. F. C.
Power, R.
Powlett, hon. W.
Poyntz, W. S.
Prendergast, M. G.
Price, R.
Pringle, sir W.
Prittie, hon. F.
Pym, F.
Ramsbottom, J.
Ramsden, J. C.
Rice, T. S.
Robarts, A. W.
Robarts, G.
Robertson, A.
Robinson, right hon. F.
Robinson, sir G.
Rowley, sir W.
Rumbold, C.
Russell, lord G. W.
Scarlett, J.
Scott, J.
Sebright, sir J.
Sefton, earl of
Shaw, sir R.
Smith, G.
Smith, J.
Smith, W.
Smyth, W. M.
Somerville, sir M.
Stanley, lord
Staunton, sir G.
Stewart, A.
Stuart, lord J.
Stuart, hon. J.
Sykes, D.
Talbot, R. W.
Tennyson, C.
Tierney, right hon. G.
Titchfield, marquis
Twiss, H.
Upton, hon. A.
Valletort, visc.
Vernon, hon. G.
Wall, C. B.
Warre, J. A.
Warrender, sir G.
Wellesley, R.
Wharton, J.
Whitbread, W. H.
Whitbread, S. C.
White, H.
White, S.
Whitmore, T.
Williams, T. P.
Wilmot, H. R. J.
Wilson, sir R.
Winnington, sir T.
Wodehouse, E.
Wood, ald.
Wortley, J. S.
Wrottesley, sir J.
Wynn, sir W. W.
Wynn, C. W. W.
Wyvill, M.

TELLERS.

Burdett, sir F.
Duncannon, visc.

PAIRED OFF.

Baring, H.
Canning, rt. hon G.
Cockburn, sir G.
Courtenay, W.
Crespigny, sir W.
Crompton, S.
Curwen, J. C.
Dundas, C.
Gurney, R.
Lloyd, J. M.
Markham, adm.
Phipps, hon. E.
Ridley, sir M.
Russell, R. S.
Smith, R.
Tavistock, marquis
Taylor, M. A.
Wilkins, W.

MINORITY.

A'Court, E. H.
Alexander, J.
Apsley, lord
Archdale, M.
Ashurst, W. H.
Astley, sir J. D.
Atwood, M.
Baker, E.
Bankes, H.
Bankes, W. T.
Bastard, E.
Bastard, J.
Bathurst, hon. S.
Belfast, earl of
Bentinck, lord F.
Beresford, lord G.
Beresford, M.
Bernard, visc.
Blackburne, J.
Blair, J.
Bonham, H.
Bright, H.
Brogden, J.
Brownlow, C.
Brydges, sir G.
Buchanan, J.
Burrell, sir C.
Burrell, W.
Butterworth, J.
Buxton, J. J.
Calvert, J.
Cartwright, R. W.
Cawthorne, J. F.
Cecil, lord T.
Chandos, marquis
Chaplin, C.
Cherry, G. H.
Chetwynd, G.
Cholmeley, sir M.
Clements, hon. J. M.
Clinton, sir W.
Clinton, H. F.
Clive, hon. H.
Clive, lord
Clive, H.
Cole, sir C.
Cooper, R. B.
Copley, sir J. S.
Corry, visc.
Cotterell, sir J. G.
Cripps, J.
Cuffe, J.
Curteis, J. E.
Curzon, hon. R.
Cust, hon. E.
Cust, hon. P.
Dalrymple, A. J.
Davenport, D.
Davies, H.
Dawkins, J.
Dawkins, H.
Dawson, G. R.
Deerhurst, visc.
Dickenson, W.
Divett, T.
Domville, sir C.
Douglas, J.
Downe, R.
Drake, W. T.
Drake, T. T.
Egerton, W.
Eliot, lord
Ellis, T.
Estcourt, T. G.
Fane, J.
Fane, J. T.
Fane, V.
Farrand, R.
Fellowes, W. H.
Fetherstone, sir C.
Fleming, J.
Foley, J. H. H.
Forbes, sir C.
Forde, M.
Forrester, F.
Gascoyne, I.
Gipps, G.
Gooch, T. S.

Gordon, hon. W.
Gossett, W.
Graham, marquis
Grant, A. C.
Green, T.
Greville, sir C. T.
Handley, P.
Hart, G. V.
Harvey, sir E.
Heber, R.
Herries, J. C.
Heygate, W.
Hill, right hon. sir G.
Hill, sir R.
Hodgson, F.
Holford, G. P.
Holmes, W.
Horrocks, S.
Hotham, lord
Hulse, sir C.
Inglis, sir R. H.
Irving, J.
Jervoise, G. P.
Kerrison, E.
King, hon. H.
King, sir J. D.
Knatchbull, sir E.
Legge, hon. H.
Lennox, lord G.
Leslie, C. P.
Lethbridge, sir T.
Lewis, W.
Lindsay, hon. H.
Lindsay, lord
Lockhart, J. J.
Long, rt. hon. sir C.
Lowther, visc.
Lowther, sir J.
Lowther, J.
Lowther, hon. C.
Lushington, S.
Luttrell, J. F.
Lygon, hon. col.
Macnaghten, A.
Magennis, R.
Manners, lord C.
Manners, lord R.
Mansfield, J.
Maxwell, J. W.
Maxwell, B.
Miles, P.
Mills, C.
Mitchell, J.
Monteith, H.
Montgomery, J.
Morland, sir C.
Morgan, G. G.
Mundy, F.
Mundy, G.
Musgrave, sir P.
Newman, R. W.
Nightingal, sir M.
Noel, sir G.
Ommanney, sir F. M.
O'Neill, hon. J. B. R.
Onslow, A.
Palk, sir L.
Paxton, W.
Pearse, J.
Peel, right hon. R.
Peel, W. Y.
Pelham, J. C.
Pellew, hon. P. B.
Pennant, G. H. D.
Penrudduck, J. H.
Percy, W.
Pitt, W. M.
Plumer, J.
Pole, sir P.
Pollen, sir J.
Pollington, visc.
Porcher, H.
Powell, W. E.
Price, R.
Rae, right hon. sir W.
Raine. J.
Rice, hon. G. T.
Rickford, W.
Roberts, W. A.
Rogers, E.
Rose, sir G.
Ross, C.
Rowley, sir J.
Ryder, right hon. R.
Scott, hon. W. H. J.
Scourfield, W. H.
Seymour, H.
Shelley, sir J.
Shiffner, sir G.
Smith, S.
Smith, A.
Smith, T. A.
Smith, C.
Smyth, R. (Westmeath)
Somerset, lord E.
Sotheron, F. F.
Stanton, R.
Stopford, visc.
Strathaven, lord
Strutt, J. H.
Stuart, W. (Armagh)
Stuart, sir J.
Sumner, G. H.
Taylor, G. W.
Thompson, J. L.
Thompson, W.
Thynne, lord J.
Tindall, H. C.
Townshend, lord C.
Townshend, lord J.
Townshend, hon. H. G.
Trant, W. H.
Tremayne, J. H.
Trench, F. W.
Tudway, J. P.
Tulk, C. A.
Ure, M.
Uxbridge, earl of
Vivian, sir H.
Vivian, sir R.
Walker, J.
Wallace, right hon. T.
Warren, C.
Webbe, E.
Wells, J.
Westenra, hon. H. R.
Whitmore, T.
Wigram, W.
Wilbraham, E. B.
Wildman, J. B.
William, R.
Willoughby, H.
Wilson, T.
Wilson, W. C.
Wodehouse, hon. J.
Worcester, marquis
Wyndham, W.
Wynn, O.
Yorke, sir J.

TELLERS.

Goulburn, rt. hon. H.
Wetherall, sir C.

PAIRED OFF.

Beresford, lord
Bouverie, hon. B.
Brydges, sir J.
Collett, E.
Crawley, S.
Curtis, sir W.
Dowdeswell, J. E.
Farquhar, J.
Hope, sir W.
Hudson, H.
Innes, J.
Manning, W.
Martin, sir T. B.
Nicholl, rt. hon. sir J.
Paget, hon. B.
St. Paul, sir H.
Walpole, hon. J.

The House having accordingly resolved itself into the said committee, sir Francis Burdett moved the following Resolutions:

1. "That it appears to this committee, that by certain acts passed in the parliaments of Great Britain and Ireland respectively, certain declarations and affirmations are required to be made, as qualifications for the enjoyment of certain offices, franchises, and civil rights therein mentioned.

2. "That such parts of the said oaths as require a declaration to be made against the belief of transubstantiation, or that the invocation or adoration of the virgin Mary, or any other saint, and the sacrifice of the mass, as used in the church of Rome, are superstitious and idolatrous, appear to this committee to relate to opinions merely speculative and dogmatical, not affecting the allegiance or civil duty of the subject, and that the same may, therefore, safely be repealed.

3. "That it appears to this committee, that in several acts passed in the parliaments of Great Britain and Ireland respectively, a certain oath, commonly called the oath of supremacy, is required to be taken as a qualification for the enjoyment of certain offices, franchises, and civil rights therein mentioned.

4. "That in the said oath and declaration is contained, that no foreign prince, person, prelate, state, or potentate, ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within these realms.

5. "That it appears to this committee, that scruples are entertained by his majesty's Roman Catholic subjects, with respect to taking the said oath, merely on account of the word 'spiritual' being in-

serted therein; and that for the purpose of removing such scruples, it would be expedient to declare the sense in which the said word is used, according to the injunction issued by queen Elizabeth, in the first year of her reign, and recognized in the act of the fifth of her reign, and which, as explained by the thirty-seventh of the articles of the church of England, imports merely, that the kings of this realm should govern all estates and degrees committed to their charge by God, whether they be ecclesiastical or temporal, and restrain with the civil sword the stubborn and evil doer.

6. "That it is the opinion of this committee, that such act of repeal and explanation should be accompanied with such exceptions and regulations as may be found necessary for preserving unalterably the Protestant succession to the Crown, according to the act for the further limitation of the Crown, and better securing the rights and liberties of the subject, and for maintaining inviolate the Protestant Episcopal Church of England and Ireland, and the doctrine, government, and dicipline thereof: and the Church of Scotland, and the doctrine, worship, government, and discipline thereof; as the same are by law respectively established."

The Resolutions being agreed to, were reported; and a bill was ordered to be brought in thereupon by sir F. Burdett, Mr. Plunkett, Mr. Tierney, Mr. C. Grant, sir J. Mackintosh, Mr. Secretary Canning, viscount Palmerston, Mr. Wynn, sir J. Newport, sir H. Parnell, Mr. Abercromby, and Mr. Spring Rice.

HOUSE OF COMMONS.

Wednesday, March 2.

LIVERPOOL AND MANCHESTER RAILWAY BILL—STANDING ORDERS.] On the order of the day for resuming the debate, on the motion for the second reading of this bill, Mr. Macdonald presented a petition from Mr. John Shaw Leigh, complaining that the Standing orders had not been complied with.

General *Gascoyne* objected to the presentation of a petition in this stage of the measure.

The *Speaker* said, that in any stage of a private bill it was competent for the House to receive a petition, complaining that the first step which ought to be taken, with respect to measures of this kind, namely, a compliance with the standing orders, had been neglected. The ordinary course had been, to refer such a petition to a separate committee. If that committee reported, that the allegations contained in the petition were borne out by facts, the House had the power to stop the further progress of the bill, even though it had been read a second time, and was committed.

Mr. *Macdonald* said, the petitioner complained that the standing orders had not been complied with. When notice was given that this bill was about to be brought in, he proceeded to London to examine the sections of the bill in the Private Bill-office, and he found that some of them differed from the sections of the bill which had been deposited with the clerk of the peace for the county. At this time, the committee appointed to inquire whether due legal notice had been given, had made their report in the affirmative; therefore, so far as related to referring his petition to that committee, the door was closed against him. The petitioner stated, that the standing orders were not only complied with in a vague and unsatisfactory manner, but that much irregularity was disclosed in the course of the proceeding. It would scarcely take a moment to decide this question. The committee would only have to compare the bill placed in the Private Bill-office with that deposited in the office of the clerk of the peace, and to report whether there was any difference between them. This would at once decide the question, whether the standing orders had or had not been complied with.

The *Speaker* suggested, whether it would not be better, for the convenience of the House, as the original question was, that "this debate be resumed," to urge the contents of the petition as arguments against the second reading of the bill. The statements contained in it might form extremely good grounds for opposing the second reading. If this course were pursued, a motion might be made, after the present question was disposed of, for referring the petition to a committee.

Mr. *Macdonald* acquiesced in this arrangement, and the debate proceeded.

Sir *J. Newport* said, he had nothing whatever to do with any canal or railroad company, and therefore what he was about to state was perfectly disinterested, and founded on the best view he could form of this measure. In proportion to

the increased commerce of the country, it was necessary that increased facilities of conveyance should be provided. It was said, in the present case, that the canal between Liverpool and Manchester afforded, at this moment, sufficient means of conveyance between those two places. But, looking at the enlarged growth of Liverpool—looking at our increased commerce, which now embraced every quarter of the globe, he was inclined to think, that though the existing modes of conveyance might have been adequate a year or two ago, that was not now the case. This project, therefore, must not be considered as one of those wild and rash speculations, which the House ought to view with jealousy and suspicion, because they could not be serviceable to the country, and must be injurious to those who embarked in them. This plan was supported by the united wealth of Liverpool and Manchester, and the object in view was, to afford additional facilities to commerce. It was not sufficient for those who were connected with canal companies to say, "We have sufficient accommodation for the merchants, and that, too, at a rate to which you cannot object." It was not for them, but for the mercantile body, to form a judgment on the subject. In this case, where a legitimate object was pursued, that object being nearly connected with the commerce of the country, it was just and right for the House to afford every assistance to the encouragement and improvement of the mode of conveying goods, which was the very life and soul of commerce. He had no personal interest in this measure; but, on the part of those who sent him to that House, he claimed the privilege of calling on the legislature to increase the facilities of conveyance. He spoke the sentiments of every commercial body in Ireland, when he said, that an increased conveyance was necessary, to enable them to realize the benefits which the legislature proposed to confer on that country by the union. As they had united the two islands, he hoped they would now set the seal to that great work, by assenting to a measure which would so greatly promote the commercial prosperity of Ireland.

Mr. *Green* opposed the second reading of the bill. There were, at present, three canals between Liverpool and Manchester. They were rival companies, interested in opposing each other, and the competition produced a reduction of rates. This plan would interfere very seriously with private property. He knew one individual whose land was bounded by a canal on one side, and by the high-road on the other, and now they were going to run this rail-way through the centre of his estate. They ought to look to the interests of individuals as well as to those of the public; and, unless where the interests of the whole community were concerned, those of individuals ought to be respected.

Mr. *Huskisson* agreed in the sentiment, that the legislature ought not to sanction the invasion of private property, without being satisfied that the case was one of imperious necessity. On this occasion, if he looked only to the interests of private individuals—if he looked only to the interests of those whose fortunes were connected with the canals between Liverpool and Manchester—if he consulted only his own private feelings—he should be rather inclined to oppose the second reading of this bill; but, like the right hon. baronet, he stood there unconnected with any railway company, or any canal company. He stood there as a public man, considering what was best for the public interest, and he would state the reasons why he did not feel himself called on to oppose this measure. He did not support it as railway opposed to canal. He had no preference, except that which was connected with increased facility, despatch, and economy, in removing merchandise from one place to another. He did not support this measure because it was a profitable thing to those by whom it had been projected. It was nothing to him whether they had embarked their money in it for profit or loss. But he would say, that those who subscribed to it seemed to have a higher object in view, than the mere accumulation of wealth through this channel. They were not, perhaps, likely to obtain very high profits; but they would certainly render a great commercial benefit to the country. The subscribers were the bankers, merchants, traders, and manufacturers of Liverpool and Manchester. They had agreed, that no person should hold more than ten shares each; and if gentlemen, would consider what amount of interest could be realized from so small a number of shares, they would perceive that the profit could not be an object. It was the great interest of the trading community, and not the profits that might be derived

from the shares, which mainly actuated those individuals to call for this rail-way. He had seen those parties; and, recollecting the immense tolls and dues which were already levied on the commerce of this country, he told them, that he would not support this measure, unless they were disposed to limit the amount of the dividends and profits they were to derive from the undertaking. They stated, that this was not a matter of individual speculation, but a plan, which had for its object the public advantage; and, as to profit, that was a point of very little importance: their great object was the encouragement of commerce, and if they received 10 per cent (which was not more than a fair commercial profit), or even 5 per cent, they would be satisfied. But it was said, that there were two or three canals, which were sufficient for every purpose of commerce in the districts through which this rail-way was to pass. That assertion, however, was not sufficient to stop the progress of this work. Let the matter go before a committee, and let it be there ascertained, whether the existing conveyance was sufficient, or whether some additional conveyance was demanded, in consequence of an increased commerce. It was well known that, under the present system, cotton had been detained at Liverpool for a fortnight, while the manufacturers at Manchester were obliged to suspend their labours: and goods which had been manufactured at Manchester for foreign parts, could not be transmitted to Liverpool in time, on account of the tardy canal conveyance. Not less than a thousand ton of goods a-day were embarked on these canals between Liverpool and Manchester; and, if the carriage was not immediate, the merchant and manufacturer were placed in a situation of great disadvantage. The Rail-way company said, they would transmit goods not only at a less charge, but with greater facility, than the Canal companies could do These were the great points to be looked to. We who maintained a commercial rivalship with all the countries in the world, ought to look to despatch and economy for the purpose of securing our present advantages. He would say a word or two with respect to the increased commerce of Liverpool. In 1821, only four years ago, the amount of goods exported from the port of Liverpool—a great part of which, he need not state, was brought by those canals to that town—was 11,500,000*l.* What was the amount in 1824? It was upwards of 19,000,000*l.*; and that, too, exclusive of fuel, and other things necessary for the consumption of Liverpool and Manchester, which were carried on those canals. Under these circumstances, he thought the projected rail-way ought to be carried into effect. Those who were connected with the canals would then be obliged to pay more attention to the mode of conveyance, to lower their tolls, and to use greater despatch. These, however, were all advantages gained by the public; and the proprietors of the canals would find ample remuneration; since there would be sufficient employment, not only for the rail-way, but for a first, a second, and a third canal. If, however, those who were connected with the canals refused the accommodation which they ought to afford to the public—if, instead of lowering their rates, they thought proper to raise them—the effect would be, to divert the conveyance to some other quarter. He made it a rule, as a public man, never to interfere with private bills. In this project, however, there was no appearance of a desire merely to further private interest, or to realize improper profits. The great object seemed to be to confer a benefit on the commerce of the country. Standing in the situation which he filled, he could not but feel deeply interested in the welfare of the commerce both of England and of Ireland. As this measure was favourable to that commerce, he should give his support to the bill; and, if he had no connexion with Liverpool, he should nevertheless have given the same vote.

Mr. *W. Peel* viewed this measure, not as one exclusively beneficial to Liverpool, but as calculated to serve the commerce of the country generally, and more particularly the commerce of Ireland. If this should fail, it would be in vain for any projector, however good the plan laid down, to hope for success. There was about as much reason in the complaints of those who were connected with canals, and who therefore wished to stifle this measure, as there was in the petition of the inn-keepers on the Kent-road, who objected to the steam-packet navigation, because it interfered with their profits. In the neighbourhood of the place where he resided, from twenty to thirty waggons were formerly employed in the carriage of goods; but he believed scarcely one was

now occupied in that manner. The alteration must have pressed on the owners of those waggons; but the public derived great advantage from the introduction of a new system. This must always be the case; but it afforded no argument, in policy or justice, against the adoption of an improvement.

Mr. *Philips* observed, that this was a great public measure, and he hoped the House would give it the most serious consideration. It appeared, that there was a large body of landed proprietors, through whose estates this rail-way was to be carried; and they complained of it as likely to prove a great annoyance and nuisance. They said that, before such a measure was determined on, a strong case of public necessity and advantage should be made out. They asserted, that such a case had not been made out. On the other side, it was argued, that the measure was required by the public necessity, and that it would be productive of great public advantage; for, though there were three communications by water between the two towns, yet they were not sufficient to meet the immense business which was daily transacted on the line between Liverpool and Manchester. They further stated, that there was, in fact, a monopoly amongst the parties who navigated those canals, and that there were not arrangements sufficiently extensive, for the prompt management of the business which was constantly in progress. It was also said, that the distance between the two towns, by the canals, was 50 miles, while the distance by the rail-road would only be 33 miles. They likewise asserted, that the time spent in conveying goods from Manchester to Liverpool, and vice versa, was not less than 36 hours; whereas, by the rail-road, not more than six hours would be occupied, being a sixth part of the time required by the canal conveyance; and Mr. Saunders, who had been very active in forwarding the measure, and who had written a pamphlet on the subject, asserted, that the goods would be conveyed by the rail-road at one-third of the present expense. The friends of the project further added, that the same advantage was possessed by rail-roads over canals, that the latter possessed over common turnpike-roads. Now, if these assertions and representations were founded in fact, he should certainly be an advocate for the rail-road. Thus he had always determined; and when he came up to town, it was his opinion, that he should have voted for this measure. But on inquiry, it appeared to him, that those assertions and representations were not only not founded in fact, but were at variance therewith. As to the representation made on this subject, that there was no water-communication between Liverpool and Manchester nearer than 50 miles, he understood, that the distance by the Mersey and Irwell canal was only 42 miles; and that the measures now in progress would reduce it to 39 miles; being only six miles more than the rail-road conveyance. As to the second assertion, that the average time consumed in proceeding from Manchester to Liverpool by water was 36 hours, he understood the fact to be, that by the Mersey and Irwell canal, the time occupied was twelve hours, and that by new arrangements the time would be reduced to nine or ten. With respect to celerity of carriage, they had been told, that on these rail-roads goods were conveyed at the rate of 10 or 12 miles an hour, while on canals the average was four miles an hour. This assertion had been repeated over and over again in pamphlets and newspapers; and, in proof of its truth, an experiment was publicly made. The advocates of the rail-road appointed a day for trying the experiment, with a loco-motive carriage, and the trustees of the rail-road, as well as others who were interested in the business, attended. Now, what was the result? After a fortnight's preparation, and having selected the best loco-motive engine they could find, the average rate, on a plane surface, was not three miles and three quarters per hour, and on an inclination it was not more than four miles and a half per hour. This experiment had completely failed. But when those persons only were present who had no reason to take a very accurate account of the business, a second experiment was made, and then the rate was said to have been doubled. When he was in Lancashire, he was very anxious to procure some information on the subject of rail-ways. He met some gentlemen who had gone to different parts of the country to learn how the rail-ways answered. He asked one of them, who was friendly to this measure, whether he had ascertained the expense of forming, and of keeping the projected rail-way in repair. He stated, that he had not, but that it was, notwithstanding, decided, that a rail-road should be formed. The only person from

whom he got any practical information on the subject, was an individual whose knowledge was founded on actual observation and experiment. He had been for many years superintendent of a canal and of a rail-way, and he had said, that a more extraordinary delusion never was known, than that of supposing that a rail-road was superior to a canal. He wondered that such an assertion should be made; and added, that he had, for a series of years, kept an accurate account of the expense of repairs on the canal, and on the rail-road; and, though that rail-road was, at the time, the best constructed in England, yet the expense of repairs on it, as compared with the expense of repairs on the canal, was as six to four. He had also the opinion of an eminent surveyor, whom he met accidentally at Manchester, and who was employed to procure information on the relative merits of rail-roads and canals. That gentleman had come down as an unbiassed individual, to survey the Mersey and Irwell navigation, and also the rail-way. He surveyed both; and he also went into Cumberland, and made his observations on the rail-roads there. He had since returned, impressed with a perfect conviction of the superiority of canal conveyance. He was of opinion, that a rail-way could not enter into successful competition with a canal. Even with the best loco-motion engine, the average rate would be but three miles and a half per hour; which was slower than the canal conveyance. If the canals had an ample supply of water, they would be perfectly competent to convey, with sufficient speed, all the merchandise that passed between Manchester and Liverpool. It was alleged, that the canal proprietors had not sufficient wharfs and warehouses for carrying on the business. Yet, in the very face of this assertion, those who were favourable to the present measure, would, if it were agreed to, carry the road through the wharfs and over the site of the warehouses of those persons whom they represented as being ill provided with accommodations of that kind already. He would, under these circumstances, oppose the measure.

Mr. *Doherty* said, he should vote for the second reading of the bill, because he thought the assertions on one side were as much to be relied on as those advanced on the other. He was, therefore, desirous that the truth of those assertions should be investigated before a committee of the House. The commerce of Liverpool had now increased so much, that if there were six canals and six rail-roads there would be employment for all of them.

Mr. *Macdonald* recommended gentlemen not to commit themselves hastily on a subject which had elicited statements so diametrically opposite. He felt obliged to say, out of respect for the memory of the late duke of Bridgewater, that he had ventured in the most generous manner all the property he possessed, for the accomplishment of a great and useful public purpose, and that he was entitled to a grateful and honourable remembrance.

Mr. *Calcraft* agreed with what had been said respecting the late duke of Bridgewater. The objection was not one which could detract from his memory, but that those who had come after him had increased the tolls to an unjust extent. He should vote for the committee.

Mr. *Brougham* said, he had great satisfaction in supporting the present bill. No one could say there was any thing objectionable in a proposal to carry goods cheaper, easier, and quicker than they could now be carried. He entirely concurred in the hope, that gentlemen would consider this to be an exception to the ordinary practice on private bills, and would once for all try to redeem their credit with the country, and not job the matter. They should look upon it as a great public question, and not vote on it because a shareholder, or Mrs. Such-a-one, the wife of a great canal shareholder, asked their vote. He hoped they would attend the committee from day to day, and that those only would vote who had so attended. He pledged himself, if a contrary course were followed, that he would bring the matter before the House. He bore testimony to the great benefits which the public had derived from the project of the duke of Bridgewater. He felt it to be a duty, since that great benefactor of the country was no more, to take care that his memory should not be impugned.

The bill was read a second time; and the petition was referred to a committee.

HOUSE OF LORDS.

Thursday, March 3.

UNLAWFUL SOCIETIES IN IRELAND BILL.] The Earl of *Carnarvon*, before the House proceeded to the order of the day, wished to present a petition, signed by several respectable Irish Roman Catholics now in London. Before the mo-

tion for the second reading of the bill, which was now on the table, should be put, he wished to know, from the noble earl opposite, whether he would accede to the prayer of the petitioners to be heard by counsel against the bill. If the noble earl did not consent to that proposition, he should feel it his duty to trouble their lordships with a statement of the grounds on which he thought the prayer of the petion ought to be granted.

The Earl of *Liverpool* said, he had no hesitation in stating, that, under the circumstances of the case, he thought the petitioners were not entitled to be so heard.

The Earl of *Carnarvon* then rose to state his reasons for supporting the prayer of the petition. He conceived, he said, that, like all individuals who were about to be affected by a proceeding before the House, the petitioners were entitled to be heard by counsel against the present bill. This was a principle which had always governed their lordships' proceedings, and which should always be strictly adhered to by that House, which was the highest tribunal of justice in the kingdom. What was the nature of the bill before their lordships? Need he put that question? It was the measure indicated, at the commencement of the session, in his majesty's speech: the very measure which their lordships' had pledged themselves, from the first day of the meeting of parliament, to take into their serious consideration. Now, if it was the measure thus directly pointed out in the king's speech, let him ask, how the members of the Catholic Association stood affected by the bill? The speech from the throne contained a charge of a most serious nature against certain individuals. It charged the members of the Catholic Association, if not with an illegal, yet with a most enormous offence. It stated, that industry and commercial enterprise were extending themselves in Ireland, and then came the following passage—"It is therefore the more to be regretted, that associations should exist in Ireland, which have adopted proceedings irreconcileable with the spirit of the constitution, and calculated, by exciting alarm, and by exasperating animosities, to endanger the peace of society, and to retard the course of national improvement." Now, he would ask their lordships, was not this a serious charge to be made against any individuals? Must not the members of the Catholic Association, after this, labour under an imputation which they must be desirous to remove? Was it nothing for loyal subjects—if such they were—to hear words of the kind he had quoted, put into the mouth of their sovereign against them? They had endeavoured to tranquillize their country, and had succeeded; but they were charged with adopting proceedings inconsistent with the constitution, and calculated to create alarm in the country. This was not all: they were charged with disturbing the peace of society, and retarding the improvement of the country. Surely, these were charges which entitled the individuals against whom they were made to come before that House, in order to prove that the imputations cast upon them were unfounded. But inquiry had hitherto been refused; because it was alleged, that the improper conduct of the Catholic Association was so notorious, as to render evidence unnecessary. He had, however, been taught by experience the folly of legislating on such a ground. He never would look for evidence in support of such charges to public report, or the details of newspapers. It was not on such authority that their lordships ought to legislate, when the liberties of the people were in question. A select committee had been appointed to examine into the state of Ireland, and it was proposed that the measure now under consideration should also be referred to a select committee, in order that their lordships might hear the opinion of that committee as to its necessity. But, their lordships were told, that there was no occasion for any preliminary inquiry—that, in fact, there were no secrets to inquire into, because the meetings of the offending society had always been public, and their proceedings published to the world. Their lordships, however, had no means of ascertaining the truth of the representations which had been made of the conduct of the Catholic Association. Much of the information they might have on that subject must have reached them through polluted sources, which could not be depended on. He was, therefore, instructed to say, that one of the objects of the petitioners in asking to be heard by counsel was, that they might have the opportunity of laying before the House the authentic minutes of the proceedings from the first day of their meeting to the present hour. Those minutes would show, that there had been nothing censurable in their conduct—nothing which could make them

subject to the charges pronounced against them in his majesty's speech, and which had been made the ground for bringing in the present bill. He knew not, therefore, how the noble earl could justify his determination not to allow those persons to be heard in their own defence. Such a determination was contrary to all the practices of their lordships' House. So careful were their lordships with regard to personal interests, that they would not pass a bill to exclude a goose from a common, until the owner was heard. Would it be said by any one of their lordships, that this bill was not directed against the Catholic Association? The ground expressly stated for it was the notoriety of the proceedings of that body. If the noble earl could not but acknowledge that the bill was introduced in consequence of the proceedings of the Association, how could he refuse to allow the members of that body the opportunity of justifying their conduct? The speeches of noble lords opposite, and still more the speech of his majesty, made a distinct charge against the members of the Association, and his majesty had called upon the House to take up the subject immediately. The words of the speech were—"His Majesty relies on your wisdom to consider without delay the means of applying a remedy to this evil." He was, therefore, warranted in concluding, that the bill now before the House was the measure which ministers considered to be the remedy for the evil which his majesty had pointed out. But it was said, that the petitioners had no personal interests at stake on the question—that the measure was altogether one of a public nature—and that it was not the practice to hear counsel against a proceeding of a general description. If the petitioners really had no personal interest—if they complained of no particular injury to themselves—then this argument would be good; but, these were men whose individual conduct was called in question, and who were charged with offences of the most aggravated kind. Had they, then, no interest in the removal of such imputations? It was plain that in this matter their lordships were legislating in the dark. They might, however, easily obtain information; and ought not, for their own sakes, to refuse any evidence which was offered. After all the experience they had had of Ireland, could they expect any advantage from the measure which it was proposed to enact? Could they hope that any measures of a coercive description would ever produce a beneficial effect? Notwithstanding what had been said in the speech from the throne, all that their lordships regularly knew of the Association was, that since its meeting tranquillity had been preserved in Ireland. Was it reasonable, then, to expect the same effect from putting it down? The necessity for obtaining information before they passed this act, was materially increased by the distance of the persons to whom it applied. The proposed measure was to affect the people of a country of whose true interests, he was afraid, many in that House were not well informed—a people whose habits were very different from those with whom their lordships were more intimately acquainted. On all former occasions, when it had been proposed to pass a measure of this sort, applied to this country, it had been always the practice to precede it by a committee of inquiry. If, then, it was thought necessary to seek information, before a measure affecting the liberties of the people of this part of the country could be adopted, how much more were their lordships bound to look for information in the present case? If the conduct of the Catholic Association was as dangerous as it had been represented, would that body be countenanced by the principal persons of the country? That Association had in its favour not only the great body of the Catholic population, but its leaders were among the ablest men in the country; and from the petitions which had been presented, their lordships knew to what extent it was supported by men of wealth and rank. Until better information was obtained, it was ridiculous to assert, that the existence of this Association was dangerous to the country. If their lordships granted an inquiry, it was probable that the result of the investigation would produce some important information. It was possible, that some legislative measure might be found necessary; but, in the first place, let the House go into an inquiry, to ascertain the real nature of the evil, and to determine whether it required a legislative remedy. He hoped for their lordships' own sakes—for the interests of Ireland—and for the interests of this country—that they would not refuse inquiry. He was sure that they would obtain information which would be useful to them on the present measure. What, if the result should be, that it was

not the Catholic Association which had exasperated animosities, endangered the peace of society, and retarded the course of national improvement, as described in his majesty's speech? What, if it should be found, that these evils were not attributable to them, but to others? If, then, this might prove to be the case, why should we not return the ingredients of the poisoned chalice to the lips of those who were the real authors of the evil? Of this he was certain, that if their lordships allowed the petitioners to plead their own cause, they would do much towards laying the foundation of permanent peace. And, if this was necessary for the peace and tranquillity of Ireland, it was no less so for the interests and security of Great Britain. England and Ireland must stand or fall together. He again pressed upon the recollection of their lordships, that it was in consequence of the words in his majesty's speech, that the present measure was resorted to. The only way to make the bill intelligible would be, to leave out the whole of the preamble, and to substitute for it the words of his majesty's speech, charging the Catholic Association with adopting proceedings inconsistent with the spirit of the constitution, calculated to excite alarm, to endanger the peace of society, and to retard national improvement. But, before this charge was inserted, it ought to be ascertained whether the Association merited it. Their lordships were bound to inquire, whether it was not others who had interrupted the peace of the country, and retarded those national improvements which might give to Ireland that degree of prosperity and wealth which was consistent with the number and the character of her population. He believed that no country in the world would exhibit so rapid a progress in prosperity as Ireland, if their lordships adopted the measure which the state of that country really required. He concluded by moving, "That the petitioners be heard, by themselves, or their counsel, at the bar of the House."

The Earl of *Liverpool* said, he would not enter into any discussion on the general measure to which the order of the day applied. There would be sufficient opportunity for its consideration, when the motion came regularly before their lordships. With regard to the proposition of the noble earl, for hearing counsel, he conceived that, if their lordships acceded to it, they would give up all those general rules, by which their practice had hitherto been guided, and would establish a precedent of a most dangerous nature. What did the bill before the House enact? What did the preamble state? It purported to be a measure altogether of a general nature. It did not even name the Catholic Association. He did not mean to deny that the conduct of that body afforded a ground for passing the bill; but, unquestionably it was directed equally against all associations. It was, as the preamble stated, introduced for the purpose of preventing the evasion of a former act. This being the object of the bill, if every particular individual, who might allege that he was aggrieved, was to be heard against it, their lordships would never get to the end of their labours. If individuals were allowed to come forward and state reasons against the passing of general measures, parliament never could legislate. When any particular or special pecuniary interest was supposed to be affected by a measure before the House, individuals so situated might be heard; but, in so far as their lordships had been accustomed to hear them, it had always been when the bill was going into the committee, and not on the second reading. The persons thus heard were always heard on their own special interests only. What bill was there with regard to which a similar application might not be made, if the claim of the petitioners were allowed on this? If their lordships consented to hear one body of men, what good reason could they give for refusing to hear another? If the Catholic Association were to be heard against the bill, every other society would have an equal claim; and their lordships might pass six months in hearing counsel. He had already said, that this bill was proposed against associations generally: it applied to all alike. He did not, however, mean to deny that the conduct and proceedings of the Catholic Association had influenced, though not exclusively, the bringing forward of the measure. It had been said, that, on all former occasions, before passing any bill of this kind, their lordships had instituted inquiries, and adopted the measure in consequence of the report of a secret committee; but here the case was essentially different—the measure was grounded on the notorious nature of the proceedings against which it was directed. That notoriety was always assumed. Indeed,

there was not a fact respecting the conduct of the Catholic Association on which he relied, which he was not prepared to give up, if any noble lord would say that he knew it to be untrue. There would still remain ground enough for passing the bill, as a measure applicable to all associations; not to the Catholic Association alone, but all other societies which adopted proceedings irreconcilable with the spirit of the constitution. The provisions of the bill were general in their nature, and applicable to all societies that assumed or exercised the powers which it described. The petition, therefore, demanding to be heard against it, was contrary to all precedent; and if granted, would open the door to great delays and inconvenience. But, he would go further, and say, that if ever there was a case in which no ground could be stated for a departure from the common rules, this was that case. It was well known to their lordships that his majesty's ministers had concurred in the wisdom and utility of a general inquiry into the situation of Ireland. A committee had been appointed for conducting that inquiry by each House of parliament; and he would ask all those who were acquainted with the manner in which that committee conducted its proceedings, whether the best disposition was not shown to go into the investigation fully, fairly, and impartially—to hear all the evidence that was likely to be useful, and to receive every piece of information that was likely to enlighten the committee on the subjects which came before it? A more full and extensive inquiry, he believed, never was instituted; and though some inconveniences resulted from its very general character, and its facility in admitting all kinds of evidence, still he thought it better to submit to those inconveniences, than to have a partial and limited investigation. To that committee persons of all parties were invited; and if any other inquiry were instituted with a reference to the bill before the House, he did not see why the members of the Catholic Association alone should be heard. A noble friend of his had presented a petition from certain Protestants of Ireland, called Orangemen, who prayed likewise to be heard at the bar of the House respecting this bill; and he did not see how their prayer could be resisted, if that of the Catholic Association were granted. Both sides were invited to come before the committee of either House now sitting, and they would be heard. Before the committee of the other House, a gentleman who took a leading part in the Catholic Association had had a full opportunity of communicating all the information which he possessed. If the same gentleman would offer himself to their lordships' committee, his evidence would not be rejected. That committee wished to hear every one connected with Ireland, or acquainted with its situation, so far as could conduce to the beneficial result of its inquiry; nor was there any restriction with respect to the cause which the witness espoused, or the view of politics which he entertained. He knew it would be urged, that this would be hearing evidence after passing the bill; and therefore could not be said to be a compliance with the prayer of the petitioners. This he admitted; and he did not mention the hearing of evidence before the committee as having any reference to the bill, the policy of which rested on the notoriety of the facts; but to show that there was no backwardness to give the petitioners an opportunity of stating their views, or vindicating their intentions. Considering, then, that there was no ground laid for compliance with this petition; that the provisions of the bill were of a general character, against which no man's particular interest entitled him to be heard; that the notoriety of the facts was sufficient to warrant the legislature in its proceeding, he did not see why their lordships should establish an inconvenient precedent, which could not in this case lead to advantage; and which might be claimed in favour of all parties as well as of one. He should therefore resist the motion.

Earl *Grey* said, that if he could conceive with the noble earl, that no ground had been laid by his noble friend for the present motion, he should also refuse his concurrence in consequence of such defect. But, feeling as he did, that a stronger peal had never been made to that House and to English justice, upon the well-known maxim of English law, that no man should be punished without previous trial and inquiry, he did not hesitate to give his most cordial support to the motion, borne out, as it had been, by arguments the most indisputable. The noble earl had much surprised him [illegible] taking what he must consider a no[illegible] manly ground; and in proceeding to [illegible] his remarks upon that subject, he wished

to allude to the argument which represented the bill as a general measure, and, for that reason, excluded the Catholics from being heard by counsel. The noble earl had contended, that as the Association was not named, the petitioners had, technically and formally, no ground of complaint. This was not a manly course of proceeding, and he was surprised at it, particularly as coming from the noble earl. He knew that, upon former occasions, societies had been named in bills, which, unfortunately for the liberty of the subject, had obtained the sanction of parliament. It would have been better to have adopted such precedents in the present case, than to have omitted the name in a proceeding which was directly against the Catholic Association; as was evident from every thing that had passed upon the subject. He would ask whether, if the Catholics had been named, the petitioners would have a right to be heard [the earl of Liverpool answered in the negative, across the table]? He was aware that must have been the answer of the noble earl, in order to sustain his argument; but he hoped to be able to show that, without being named, they were entitled to be heard. How, then, did matters stand? The Catholic Association was not named; but would any noble lord stand up in his place and say, that the bill was not directed against them? Could any man shut his eyes against the fact, that but for them it would never have been introduced? Then, what became of the argument built upon the circumstance of their not having been named? Was it not to be collected from every speech that was made, from every petition that was presented, from every charge that was brought forward, and from every reply to that charge, in short, from the tone adopted upon all sides, both in and out of parliament, that the Catholic Association was the exclusive object of the measure? Did not the petitions in favour of the bill, pray for it as for a law to put down the Catholic Association? What, then, became of the miserable quibble which the noble earl had set up, in answer to the arguments of his noble friend? The Orange Societies were not named; and so little objection had they to the bill, which was said to affect all societies alike, that they did not think it necessary to oppose it. In fact, looking at the question in any point of view, the general feeling and understanding of mankind must be, that the Catholic Association was the particular object of the measure.—He now came to consider what that measure was. Did the noble earl mean to deny, that it was a new and severe restriction on popular right; applying, if he would have it so, to the whole of Ireland, but inflicted for conduct ascribed to the Catholic Association, which they were anxious for an opportunity of disproving? They were charged with usurping the powers of parliament—with assuming a representative character—with levying taxes on their fellow-subjects, and interfering in the conduct of judicial proceedings. When the case was thus stated against them, and no precedents were brought forward, which limited the power of the House, so as to prevent them from hearing the petitioners—what claim, more just or more forcible, could be stated in favour of their being heard, than the existence of such charges, coupled with the penalty in which not only they, but all their Irish fellow-subjects, were involved? Here was a bill, affecting the whole body of the people, in consequence of the alleged delinquency of a portion of that people; and then the noble earl had said, that if any single fact respecting the Catholic Association should be denied, he would give up that fact, and still proceed to legislate. But, the petitioners had come forward to deny all the facts. They had complained that they were misrepresented and calumniated; and asked only as free subjects, from the justice of the House, that they should be permitted to prove that none of the allegations against them could be maintained upon investigation. His noble friend had truly told them, that they could not deprive an individual of the most trivial right of common, without hearing him in defence of his claims. Would they then insult a whole people, by depriving them of their rights, in consequence of the alleged conduct of certain individuals, and press a measure of that importance, without allowing the individuals to rebut those charges, as they professed themselves ready to do, if permitted? They would find it stated in the king's speech, and in other speeches, that the conduct of the Association had produced great alarm; that it was calculated to inflame religious animosities, and prevent the course of national improvement. Were such statements to be taken for granted against any set of men—of men who denied them—who said that there

was no alarm—that the population was never so united—that if there was any alarm, it existed only amongst interested persons, who misrepresented their proceedings—and that they were not disturbers of the peace of Ireland, which never was more tranquil than at the present moment? Many of those statements were acknowledged in the king's speech, which described Ireland as not only at peace, but in a condition of increasing prosperity. In support of the general charges, particular facts had been adduced. The one that was most dwelt upon was that of the levying of taxes on their fellow-subjects. But, how did the Association reply to them? They said, that they levied no tax; that they merely collected contributions from a willing people, in a manner consistent with the principles of the constitution. But, the advocates of the bill said, No! They affirmed, that there were two books, a red book and a black book, in which the names of subscribers and non-subscribers were set down; and from thence the inference was drawn, that the contributions were not voluntary. The Catholic Association denied that fact most emphatically; and desired that they might have leave to disprove it at the bar of the House. When conduct was imputed to individuals which called upon the government to abridge the rights of the subject, it was impossible to refuse a hearing, consistently with the common principles of justice. But, the noble earl had said, that the committee of Irish inquiry was going on, and that Mr. O'Connell, and other gentlemen of the Association, might be heard in that committee. In the meanwhile, however, the bill would be going forward; and before the investigation concluded, it would have passed into a law. The noble earl had alluded to other bills which had abridged the civil liberty of the subject, and inflicted a lasting stain on the government of the country. The noble earl said, let the bill pass, and be content with inquiry afterwards. But, was that a rational way of conducting an inquiry, from which no effect could be produced upon the measure to which it referred? The object of former inquiries was, to enable parliament to ascertain, whether there existed sufficient grounds to justify them in passing the law. As for the committee now sitting, it appeared to him to be unprecedented in its nature; it was directed to no definite object, as far as he could comprehend, nor was it founded upon any recommendation that he was aware of. If the noble earl would consent to suspend the bill, until the committee had time to make its report, he should be perfectly satisfied; but, it was a mockery and an insult, to tell the House that they should punish first, and afterwards try; that they should judge at once, and at a future opportunity proceed to hear evidence. Suppose it should turn out before the committee, that all the charges against the Catholic Association were false and unjust, and that they were to report to that effect to the House—in what a situation would parliament be placed! Would it be consulting their dignity, for which the noble earl had always professed so high an esteem, to induce them to pass a bill, imposing new and arbitrary restrictions on the liberty of the subject, which, after inquiry, might prove to be as unnecessary as they were obnoxious?—He would now say a few words on the noble lord's general principle. The argument was, that no particular individuals had a right to be heard against a general measure: but this argument did not apply to the case before the House. The rights of the petitioners were affected; and the justice of their demand to be heard was not lessened by the extension of the evil to others. To this the noble earl replied, that in cases of urgency, legislation would be useless, if delay was incurred for the purpose of hearing all the parties interested. But, did the noble earl pretend that this was a case of urgency, or that any danger would be likely to spring from delay? Was not more evil to be apprehended from legislating in the dark, than from the postponement of the measure till the House was informed? The petitioners pledged themselves to disprove the allegations on which, not only their own rights were curtailed, but those of the people at large, which had remained untouched since the Revolution. He was satisfied that there never was a clearer case of justice pressed upon their lordships; that there never was one in which they were called upon, by so many powerful considerations, to listen to the prayer of the petitioners; and therefore he would give his cordial support to the motion.

The *Lord Chancellor* said, that rumour had described the bill under their lordships' consideration as one that had emanated from a certain learned lord in that House; but rumour was never more mis-

taken than in attributing it to him. Until within about eight hours ago, he had never seen it; though he was ready to confess that, having seen it, the bill had his complete concurrence. There was an act in force called the Convention act, with which the present measure was directly connected. What the law of Ireland might be with respect to the proceedings which those bills were intended to affect, he did not presume to know: but, he desired not to be considered as one of those who thought that in England such proceedings were legal. He stated this, because he wished to guard himself against being supposed to pretend to a knowledge of the law of Ireland, or to admit, in deference to any opinion, that if a body in England assumed to itself the powers of parliament, or attempted to overrule it, that body could be considered legal. The Convention act declared, that persons should not be delegated by any portion of the people to act upon their part. But, where was the difference; or what did it signify, whether they were antecedently elected, or whether, after assuming to act, they were approved of by the persons whom they professed to represent? The evil was the same to society, whether appointment in the first instance, or assent in the last, gave them the authority against which parliament had undertaken to legislate. He agreed with the noble earl who spoke last, in thinking that, if this bill was meant only to put down the Catholic Association, the name of the Association ought to be inserted. That he did not deny; and, if the conduct of the Association had been such as was described in the enactments of the measure, he would be justified in assuming, that such was the intention. When, upon a well-known occasion, he had introduced a bill into the House of Commons for the purpose of putting down Corresponding societies—which was his bill, though the present bill was not—he had introduced the names of those societies. The present bill enacted, that the Associations to which it referred should be illegal, though no antecedent delegation could be proved to have taken place. Now, if it could be shown, that they had assumed a representative character — that they had not only done that, but proceeded to tax the people of Ireland—if they also exercised a control over the administration of justice, which was a thing not to be tolerated in any country—if that, or any other such body, assumed so great an influence over six millions of people, let the House only reflect what the consequence must be, and especially in such a country as Ireland. If it was done by the Catholics, the same might be done by the Protestants; and in that case, what sort of justice could any individual hope to obtain? With respect to the prayer of the petition, this act proceeded to legislate upon a general principle; and the general rule in such cases was, that no man could be heard upon petition, unless in cases where his own particular interests were affected. If he was asked, whether there were not exceptions to this rule, he would say, that he believed there were many; but it was always at the discretion of parliament, whether they would preserve the rule or act on the exception. Cases might be adduced, in which bills on the demand of extraordinary exigency, had passed in the course of one day, which would subject the parties to the greatest possible punishment. This was a departure from the usual practice of the constitution; it would be easy to suppose a situation in which much danger would result from allowing the process of deliberation to go on; and the measure itself might come too late to remedy the evil against which it was directed. If the general measure applied to the proceedings of the Roman Catholic Association, it would put an end to them. If it did not apply, they might go on. Acting upon the general rule, he would say, that it was necessary the bill should pass, without hearing the petitioners. If it affected them, it could only affect them because they had done what they ought not to do. He would say, if the preamble could be proved; if societies were formed, so as to evade the operation of the Convention act, their lordships were bound to pass the bill, and to pass it, as far as he could judge, without any preliminary investigation.

Lord *Holland* expressed his concurrence in the statement of the noble and learned lord, that he was not the originator of the bill. The moment he had read the enactments, he was satisfied it was not the production of the noble and learned lord. Had he taken but one day to consider it, it would have come out of his hands in a very different state. After hearing the speech in which the noble and learned lord had disclaimed it, he was disposed to believe, not only that the bill was not his,

but that he had never read it. The noble and learned lord had given them the construction of an act of parliament, and had alarmed them with a description of societies over-ruling parliament itself. If that wa e case, let them not be called upon to vote for inadequate bills of that nature, but to arm government at once with powers to put down their presumption. The bill described certain practices as indicative of unlawful assemblies; such as the assumption of delegated powers, and the exercise of the power of taxation. But, the question before the House was, whether the petitioners should be heard against it or not? It would be for the petitioners to shew that they did not over-rule parliament; that their proceedings were directed to lawful and laudable purposes. If the precedents against hearing them were so strict as the noble earl had described, there could not have been so many exceptions as the noble and learned lord had admitted. According to the noble and learned lord, the deviations from the rule were numerous: the door was frequently open, and from a sense of substantial justice, of legislative prudence, and above all, from a predilection which he had for the direct and honest course of proceeding, he would call upon them to depart, in the present instance, from the strict letter of their forms, to give an opportunity to the accused to defend themselves. Whatever precedents might exist in that, or in the other house of parliament, the whole stream of precedents in Ireland was in favour of hearing the petitioners. Even on the enactment of the penal laws, sir Toby Butler, counsellor Malone, and sir Stephen Rice were heard at the bar of the House in favour, not only of the Catholics, but of all the dissenters in that country, as persons likely to be affected by the bill then before the Irish parliament. He recollected when the bill for putting down combinations of workmen, so judiciously repealed in the last session, was introduced into parliament. That was a bill proceeding upon general principles, and recommended by its advocates as necessary to prevent a variety of fatal consequences, connected with the existing French revolution. The calico-printers petitioned to be heard against that bill. Their petition was presented before the bill had passed through the committee. Their lordships, however, allowed the bill to go through the committee (which they certainly would not have done had it been supposed that it was against the details, rather than against the general principle of the bill, that the petition was directed), and, on the third reading, he had heard an hon. and learned gentleman, Mr. Gurney, support, at the bar, the prayer of the petition, in a very forcible and eloquent speech. The principle on which he supported the prayer of the petitioners, on the present occasion, was, not that of generosity or kindness, but substantial justice. And here he must observe, that it sounded rather hypocritically—far, however, was he from suspecting the noble earl of hypocrisy—but, it sounded rather hypocritically, to shew the slightest hesitation to declare at once, that the Catholic Association was the object of the bill in progress through the House. Their lordships were called upon to deal with matters of great importance, to decide upon a subject interesting to millions and millions, to pronounce upon a question in which the feelings of a whole people were excited and agitated. They were told that notoriety, that newspaper notoriety, was a sufficient ground for the measure submitted for their adoption. When, however, the Catholic Association begged to be permitted to be heard against the allegations of their adversaries, it certainly had the semblance of hypocrisy to turn round and say, "The Catholic Association! God bless me! there is nothing about them in the bill: it is a general bill; its object is, to preserve the public peace, and its provisions are applicable, not to any particular body, but to all his majesty's subjects indifferently." And this was the more remarkable, as the learned lord had at once declared, that even if the Catholic Association had been named in the bill, he should still have resisted the prayer of that Association to be heard at the bar of their House. Why did not the noble earl make the same declaration? unless, indeed, he would not have resisted the prayer of the petitioners, if they had been specifically named in the measure. The noble earl declared, that the Catholic Association were not named in the bill. If they had been named in the bill, and if the noble earl, like the learned lord, would nevertheless have refused to hear them at the bar, what was the use of his telling their lordships, that the Catholic Association were not so named? He by no means charged the noble earl with having any undue purpose. But, suppose

a man were to say "I mean to put down this Association, under whatever false pretences and allegations. If they are allowed to appear at the bar, and to call witnesses, they will disprove the ground on which my measure is founded. I must, therefore, contrive to bring the bill such a shape, that they shall have no right to be heard; and by that means I shall accomplish my nefarious object"—it was evident, that such a man would take precisely the course that had been taken by the noble earl. He maintained, that, in substantial justice, the Association were entitled to be heard, both from their numbers, and from the extreme importance of the subject. They were the more entitled to be heard, because no documents had been produced; and the bill against them was founded on loose reports, under the specious name of notoriety. It was not, however, on the ground of substantial justice only, but also on the ground of prudence, that he was anxious they should be heard. He entertained a high opinion of the talents of the learned gentleman who had been alluded to in the course of the debate, as one of the principal organs of the Association; and he was not unwilling to believe that that learned gentleman, if he were heard at the bar, might produce a considerable impression. At least, to allow him to be so heard would give satisfaction to the millions who were interested on the question. But, he could not pay so high a compliment to the eloquence of the learned gentleman even were it equal to that of the great orator who shook Greece to its centre—he could not pay so high a compliment to the learned gentleman, even had he the eloquence of Demosthenes, united to the incendiary intentions of Catiline, as to believe that he could do so much mischief to the connexion between England and Ireland, and to the great objects of all good government, by being permitted to be heard at that bar, as would be produced by their lordships' rejecting his claim to be so heard. If he (lord Holland) were a man who wished to deluge Ireland with blood; if he were a man who wished to wrest her from her connexion with England, he should rejoice, as the great Franklin immediately before the American revolution rejoiced, at being sent from their lordships' bar, unheard and insulted. If their lordships wished to silence the voice of distraction, they would listen to the petitioners. If they wished to conciliate, they would be kind, indulgent, and generous; and not on groundless, flimsy, or unintelligible pretences, deprive any of his majesty's subjects of their right, not to be condemned unheard.

The Earl of *Darnley* said, he should support the motion. When their lordships saw, on the steps of the throne a noble duke, the premier peer of England, (the duke of Norfolk) who ought to be in the body of the House, it should at once impress them with the injustice which the Catholics were sustaining. If their lordships rejected the motion, they would drive from their bar the representatives of that large and important body of his majesty's subjects, the Roman Catholics of England and Ireland. He was persuaded, however, that the eyes of the country would be speedily opened to the real merits of the case, and that it would be found that the danger was on the side where it was not apprehended by the enemies of Catholic emancipation.

The House then divided:—for lord Carnarvon's motion 23, against it 69; majority 46.

The order of the day being then read, that the Unlawful Societies in Ireland Bill be read a second time,

The Earl of *Liverpool* spoke to the following effect:—The grounds, my lords, on which this bill rests, are few and simple. It rests on grounds altogether different from the grounds on which the expediency of Catholic concession is denied; so different, that I have no hesitation in saying that, were I the most ardent friend of Catholic concession, I should still think this bill just and necessary. Nay, I do not know, that in that case I should not think it more necessary than I think it at present. We have already heard something of the general nature of the bill, in the course of the discussion which has just taken place. The noble earl opposite accused me of not taking a manly course, in saying that the Catholic Association was not named in the bill, which was a general and not a specific measure, when all the world knew that that Association was, in fact, the principal object of the measure. The noble earl forgot, that, in a subsequent part of my speech I distinctly avowed that the Catholic Association was the principal object of the measure. But, my lords, although a specific evil may actually be the cause of any measure, yet, if the measure when brought

forward, applies not to that specific evil only, but to all evils of a similar character, the case is very different from what it would have been, if the measure had applied to the specific evil alone. The inference is this—that, although the necessity of legislating was produced by the immediate conduct of the Catholic Association, the introduction into the legislative measure of the Orange and other societies, takes away from it all imputation of partiality or injustice. It was in that view that I stated the question. But I never for a moment denied, that the proceedings of the Catholic Association formed the principal object of the bill. The question, my lords, may be considered in two ways. It may be considered in conformity to the declaration in the preamble, as a means of preventing the evasion of the Convention act; or it may be considered upon its own merits; namely the danger and inconvenience of such Associations. I am perfectly ready, however, to allow, that the first of these views, however important, would not be conclusive. For if, in the opinion of your lordships, no evil can result from the continued existence of the Association, then its mere contravention of the spirit of the Convention act would be an inadequate justification of this measure. But, I cannot believe that this is your lordships' opinion. I certainly think the argument of my noble and learned friend perfectly satisfactory, that whatever sound principle was applicable to the suppression of the Convention, is equally applicable to the suppression of the Association. Of the Catholic Association I am by no means disposed to speak harshly; but I am unequivocally of opinion, that the existence of such an Association is, at all points, perfectly incompatible with the tranquillity of Ireland, or of any country in the world. I as unequivocally deny the position of the noble earl, that the existence of such an Association is consistent with the principles of the Protestant constitution. That the right to assemble to petition, to state their opinions to parliament, and to adopt all legal means of insuring a compliance with their wishes, is among the most sacred rights of the people, I admit as broadly as any man. But I deny that an assembly convened, not merely for the purpose of petitioning—an assembly having a character of permanency—an assembly acting by subordinate agents—an assembly raising (whether voluntary or not, I will say a word or two upon by-and-by) sums over the whole country—an assembly interfering (whether beneficially or not has nothing to do with the question) with the administration of justice—my lords, I deny that such an assembly can be considered in any other light than as utterly inconsistent with the maintenance, not only of the government of Ireland, but of any established government in any country in the world. My lords, it is impossible to consider this question, without looking a little at the circumstances under which this Association has been formed. The people of Ireland may naturally enough think that they have grievances; and, so thinking, they have an undoubted right to complain of them. The people of Ireland may be dissatisfied that parliament have refused them the political rights which they require. The people of Ireland may fairly, properly, and justly, come to your bar, and to the bar of the House of Commons, in order to make their case known. But, my lords, has nothing been done for Ireland? Has not, during the last few years, more been done for the peace, the prosperity, and the happiness of Ireland, than was done for centuries before? Every complaint of every kind has been heard. The whole revenue system of Ireland has been reformed; and reformed in a manner that has given general satisfaction. Taxation in Ireland has been reduced to an unparalleled extent; England having taken the debt of Ireland upon herself, and so reduced her taxation, that she pays no direct taxes, and less taxes of any kind than any country in Europe; being still on equal terms with England in every respect. Added to all this, the administration of justice in Ireland has been corrected by wise and salutary laws. The magistracy has been reformed by the establishment of petty sessions. Every disposition has been evinced by his majesty's government in Ireland, to put down all societies and combinations calculated to produce dissention and alarm. My lords, I state these things as proofs of the kind, the generous, and affectionate disposition of the government of the united kingdom to the people of Ireland; as proofs that they have been treated, not with justice and fairness merely, but with indulgence and favour. Whether or not the remainder of that which they require should be granted them is a distinct question. I only state what has been already done, as a proof of the kind

disposition of the British government to the Irish people. I am not saying that we ought or ought not to grant what is yet desired; but I do say, that there is nothing in the existing circumstances of Ireland, which demands so violent a remedy for any evils of which she may have to complain as the establishment of the Catholic Association. Yet, in the midst of prosperity and tranquillity, this Association has assumed a character more important and imposing, than that of any society by which it has been preceded, and is attended with all the bad effects of the Convention. As my learned friend so well stated it, the distinguishing evil of the Convention was not its antecedent delegation. The evil of that body was its character. If the Association have the same end in view as the Convention had, then it must be followed by the same effects, and ought to be met by the same legislative extinction.—My lords, I shall not have occasion to trespass so long on your lordships' patience as I might otherwise have found it necessary to do, because I mean to spare you the fatigue of listening to any discussion on my part, as to the particular proceedings of this Catholic Association. I believe the Catholic Association to be constituted much in the same way as that in which any body of that sort would most naturally be constituted. I believe their proceedings to have been much the same as the proceedings of such a body would have been under any circumstances. I believe there are many innocent, many well-disposed, members of that Association. I believe that the great majority of the Association do not see the dangers which they are bringing on their country. But, my objection to the Catholic Association is this, that no such body can exist in any nation, or under any state of things, without the production of the greatest evils. I impute no especial blame to the Catholic Association, as distinguished from all similar bodies. I allow, that if we analyse the speeches, the resolutions, the proceedings of any body so constituted, we shall find much to censure and lament. It is not, therefore, the conduct of the Catholic Association to which I wish to call your lordships' attention, or on which I am anxious to fasten. I well know what any men so associated will do and say; of how much intemperance they must necessarily be guilty; of what endless evils their combination must be productive. I shall, therefore, not dwell on this part of the subject, but shall content myself with a general reference to those resolutions and declarations of the Association, the only effect of which must be, to augment all the animosities which unfortunately prevail in Ireland. My lords, I will not believe that there is a single man who hears me that thinks such an assembly could exist, for any length of time, without the most serious consequences to the country in which it was permitted. For a while, it may be defended by those who are friendly to what is called the Catholic Question, as a good instrument for carrying it. But I am convinced that, if contemplated as a permanent body, there is not a noble lord who will not readily acknowledge its danger. We cannot say that we will equalize the Catholics and the Protestants in Ireland, and that then we shall have done with the Catholic Association. On the contrary, they tell us that they have other objects in view. It is said, that a communication has been made somewhere else, but from whom I know not, that if Catholic concession would satisfy the Association, they might be satisfied. I do not know where this was said; but I have been told the answer was, that the concession of the Catholic Question would not satisfy them. My lords, do we know, if concession were to be granted to-morrow, that the Association would not remain embodied for further objects? I therefore say, without reference to the expediency, or inexpediency of giving to the Catholics of Ireland privileges equal to those possessed by the Protestants, that this Association is an evil such as has never yet been permitted to exist, and such as ought never to be permitted to exist. I defy any noble lord to show, in the history of this country, a single instance of the continued existence of such an evil; taking it in all its parts and all its bearings.—Having thus, my lords, passed by all detail of the proceedings of the Association, I now wish to say a few words on a very important branch of the subject; I mean that which the Association themselves call the Roman Catholic rent. That is their term for it. The term rent implies previous obligation; something essentially different from subscription: and therefore I do not think it applicable in this case. But, call it rent, or subscription, or what you will, it is produced by a communication kept up by

the Association with every parish in Ireland, for the purpose of raising money from the whole of the Catholic population of that country. Now, in the first place, my lords, I maintain, that such a mode of raising money, let it be called by what name it may, cannot, in the nature of things, be voluntary. It may be termed voluntary. Those who raise it, have unquestionably no legal right to do so. But, when a country is so divided as Ireland is, into parties and factions, even an appeal to the sincerity of those who compose any of those parties and factions may be considered as compulsory. But let us look at the instruments which are employed to raise this money, and at the places in which it is raised. The instruments are the Roman Catholic clergy; the places of collection are the Roman Catholic chapels. Is there any man who can doubt, knowing, as he must know, the connexion that exists between the priest and his flock, what the nature of this subscription is? I have heard something like a statement, that, in one instance, the parties attempted to distrain for the rent, and actually brought the matter before the quarter sessions. I will not dwell on this point: but I say generally, that when I am told of the existence of such a body in a country, I want to know nothing more, I do not want to know whether they keep red books or black books. I know that they obtain information of all that takes place; and I know that, under such circumstances, applying, as in some instances they do, to religious, and in all to political feelings, nine out of ten contribute to the rent from fear; from their dislike to being regarded with an evil eye by their fellow-citizen; from a variety of motives, having the character of control, and not of free will. I rest, therefore, on no particular facts, but on the very nature of things, for the proof of my assertion, that the money raised by the Catholic Association is not raised voluntarily.—Now, my lords, let us see what are the purposes of this assembly, so constituted; with permanence for their character, with a revenue at their disposal, and with an avowed determination to interfere with the administration of justice. It has been said, that those purposes may be innocent, and even laudable, I reply, that the purposes of such a body can never be innocent, and much less laudable. In the first place, recollect how numerous this association is. I remember, my lords, a saying of Mr. Fox, in the House of Commons, which appeared to me, when he uttered it, to be infinitely wise, and which I have kept in my mind from that time to the present. It was when the question regarding the Dissenters was under the consideration of the House. On that occasion Mr. Fox said, "I hate the tyranny of the few over the many; but I abhor still more the tyranny of the many over the few." This, my lords, I have always considered as a maxim of wisdom. Now, a more numerous, a more formidable body, one whose continuance is more incompatible with a sound state of society, never existed than this Catholic Association. It has been defended on two grounds; the one negative, the other positive. In the first place, it is said, that it leads to no harm; in the second place, that it does good by tranquillizing the people of Ireland. With regard to the first point, I would ask those who live in Ireland, and who entertain opinions different from those of the Association, whether in the alarm they feel, and the exasperation which is generated between opposite parties, there is no harm; and whether the measures pursued by the Catholic Association do not increase those evils? As to the Catholic Association having done good by tranquillizing the country, I am prepared to deny the fact. But I say, that even if they have done so, I do not consider them the less dangerous on that account. If, such a body can promote the tranquillity of a country, the means which they have used to promote that tranquillity, may, at some future period, be used by them to effect the disturbance of the country. I, for one, my lord, do not choose that the peace of the state should be left in such hands. I do not accuse the Catholic Association, or any of the persons who are connected with the Association, of wishing to disturb the tranquillity of Ireland; but, if I could suppose that they had objects different from those they profess, I am not aware of any course they could pursue better calculated to attain them. For this I know full well, that if there existed in any country a body of persons determined if possible to overthrow the government of that country, and destroy its Constitution, by eventually unfurling the banner of rebellion; their first object would be to preach peace, and even to promote it. Nothing is so fatal to insurrection as a premature rising. Why, what has been

the case with respect to Ireland? Let your lordships recollect the year 1798. If you refer to the history of that time, you will find that both parties, both those who were engaged in the rebellion and those who exerted themselves to suppress it, were unanimously of opinion that the unfortunate issue of that rebellion as it was considered by one party, and the fortunate issue of it as it was considered by the other party, was principally attributable to the premature rising. I remember that one hon. gentleman in the Irish House of Commons took credit to himself for having produced the rebellion before it was ripe. As to the real causes of the present tranquillity in Ireland, I believe they are to be found, in some degree, in the measures of the Irish government; in no respect to the efforts of the Catholic Association; but chiefly to the returning prosperity of the country. We all know that in England, but two or three years ago, when the pressure of distress was felt with some severity, it was declared, that every thing must be changed, that parliament must be reformed, and that all our other institutions must undergo extensive modifications. With returning prosperity all these gloomy forebodings were forgotten. The same, although on a more limited scale, will be the case in Ireland. In Ireland there are more causes of depression than ever existed in England. In that country, I well know that idleness, which I consider the groundwork of discontent, exists in a much greater degree than is to be found here; and therefore it is, that I anticipate, that in proportion to its removal, in consequence of increased agriculture and commercial prosperity, that evil will be removed, and that returning good order must be the result. I am aware also of the difficulties that present themselves to the adequate execution of any legislative enactment; and therefore it is, that I am not sure that this, or any other measure proposed with the same view, will be found effectual for its purpose. But, admitting that, I consider it no reason why this House should not grapple with the evil. I have heard the same objections made to bills brought before the legislature under a great public emergency. When, in 1796, a bill was introduced into the House of Commons to repress the evil of that day—I mean the existence of seditious illegal assemblies—I well remember that, on the discussion of that measure, a most able and ingenious speech was made by the late Mr. Sheridan, for the purpose of shewing how the provisions of the law could be evaded, and the whole enactment be rendered nugatory. The objection at the time I felt to be a very strong one. But, what was the fact? No attempt was ever made to evade the law; and its provisions were found fully effectual to the intended purpose. The same anticipations were offered on the discussion of the six acts; and yet experience proved, that they were fully adequate to their object. I cannot suppose, that it would be different in the present instance. I cannot believe, when the parliament shall have pronounced its opinion, and by its vote given vigour and efficiency to the law, that its enactments will be evaded. I will go further and say, that even were it likely to prove ineffectual, I still should press its adoption. I know well the consequences of not putting down this Association. If it should be allowed to continue, other and opposed bodies will also associate. If the Catholics are to be allowed to associate, who will say that the Protestants of Ireland will not also unite? Let us not suppose, however numerous the Catholics are represented, that the Protestants are so contemptible in point of numbers, wealth, intelligence, and character, as not to constitute a formidable party. It is the natural course of things. Combination necessarily leads to counter-combinations. How, under such circumstances, is justice to be administered in Ireland? What must be the lamentable result? Nothing less, my lords, than an aggravation of all the evils which Ireland has suffered. Nothing less than to give strength and efficiency to all those feelings by which dissention will be fomented, and religious animosities increased. Either, then, you must be prepared to put down all associations or permit this. If you are prepared to legislate for the tranquillity of Ireland, and take the steps neccessary to obtain that end, then you will have the satisfaction of feeling that you have rendered justice to all parties. It has been urged against the bill, that though directed against the Catholic Association, it did not specify that body; and it appears, from what has fallen from my noble and learned friend, that he would have liked the bill better if the Catholic Association had been named in its preamble. It might, indeed, seem, at first sight, the

more manly course to have specified that body as its proceedings were more immediately affected. But, after the most mature consideration that I have been able to bestow on the subject, I still retain the opinion, that the better course was, not to name any particular association. It is not in special hostility to any party in Ireland that the measure is introduced. It is brought forward to mark the course that parliament is determined to take, with respect to all Associations; for, as I before said, if all are not put down, all must be suffered to exist.

Lord *King* said, he could not see the force of the arguments urged in support of this measure. The noble earl had contended, that the Association was dangerous, because it seemed peaceably disposed —because it had contributed to produce tranquillity in Ireland. This reminded him of what he was informed had somewhere taken place during the rebellion; namely, that sometimes persons had been hanged for saving the lives of others, because from that it was concluded, that they must have influence with their party, and were therefore equally guilty. From the observations of the noble earl, one would be led to conclude, that the Irish code was one of perfection, and most exemplary mildness. For his own part, he differed totally in opinion with the noble earl. It appeared to him, that Ireland would bear a resemblance to hell if this act should pass; for what could be more fiend-like than deny to millions their just rights, and to take away from the oppressed even the power of complaint? He lamented to see parliament year after year adding one law to another, accumulating penal enactment on penal enactment, for the purpose, as it was pretended, of tranquillizing Ireland; when the only way to tranquillize that country was, to repeal the whole of them. He entertained no such doubts as the noble earl had expressed, upon the efficacy of this bill. Those who suggested it had been too long in the habit of making such laws; they knew their business too well, to propose the enactment of any useless, inoperative measure. He was sorry to see parliament once more in battle array against the people of Ireland. He could assure the noble earl that they did not view the measures of government in the same light as the noble earl did. They could not see that so much had been done for their benefit: nor could that country ever be tranquil, until the just demands of the Catholics were complied with. If Europe should again become convulsed, and this country be once more assailed by dangers, ministers themselves would be the first to come down and propose the measure of relief which they now so pertinaciously refused. It was remarkable, that the noble earl had studiously avoided to mention any particular instance of misconduct or abuse, on the part of the Catholic Association. And yet, from what had passed in the other House, it was clear, that its necessity was endeavoured to be established on such alleged misconduct. What became of the Ballybeg case, on which such stress had been laid? The noble earl had given it up entirely. He acted most judiciously. He knew, notwithstanding the great dependance that the originator of the bill placed upon it, that it was blown into the air—there was not one word of truth in it from the beginning to the end. But, then, the whole of our conduct towards Ireland was one of marked conciliation. Conciliation, forsooth! As a proof of that conciliatory treatment, he would refer their lordships to a paper on their table. It appeared from that document, that, in the year 1823, the number of persons committed under the Insurrection act, in the county of Tipperary, was 497; and that of these, 462 were acquitted even by Irish justice. Taking the number of persons committed in that year, throughout all Ireland, it appeared that the number imprisoned was 1707, and that of these 1466 were acquitted. But it would seem, from the statement of the noble earl, that such was the pure administration of justice in Ireland, that the Catholic Association had no pretence for interference. Why, it was only that evening that he himself laid on their table a petition from three individuals, who declared that they had been deprived of their just rights of admission to the corporation; and were only enabled, though their fathers and grandfathers had been freemen, to obtain that admission through the interposition of the Catholic Association. We knew from the highest authority that there were two great parties in that country; the one, predominant and oppressive; the other, on all occasions obliged to give way. Indeed, a noble and high authority (lord Redesdale) had declared, that in Ireland there existed one law for the rich, and another for the poor, and that both were equally bad. The noble earl had quoted a passage from a

speech of Mr. Fox. The sentiment it contained was just and wise; but he would ask, whether in Ireland it was not the tyranny of the few over the many, and not of the many over the few. He defied the ingenuity of the most subtle reasoner to make out that the Orange body was the most numerous. It would be the excess of injustice, under such circumstances, to legislate against the claims of the weak, when they associated for the purposes of mutual protection. Who were the authors of that injustice? Their lordships; who refused to the people of Ireland that relief from restrictions which necessarily led to a denial of justice. Was it for that House to complain of Catholic Associations? As well might the wolf complain of the sheep who collected together to prevent themselves from being individually eaten up. We had now, for the last twenty-five years, been called upon, session after session, to give the Catholics of Ireland a just participation in the blessings of the constitution. The question had, indeed, assumed the complexion of a Chancery suit; and there was manifested an equal callousness and insensibility to the prayers of the suitors. To carry on the analogy, the present measure was very like what was called in Chancery a cross-bill; and if persevered in, he was disposed to believe that they would both terminate, as Chancery suits generally ended, in the ruin of both parties. But, the whole of the evils which afflicted Ireland might be attributed to the divisions that existed in the cabinet of this country. And yet it was strange, that though on the recognition of South American independence, and on the claims of the Catholics they were divided, yet, when an addition was to be made to the penal laws —when some inroad on the rights of the people was to be carried—they were all unanimous. They illustrated what was too common in life—that when there was a mixture of the good and the bad, the evil principle too frequently predominated.

Lord *Teynham* said, he should support the bill. The Catholic Association was most dangerous, and ministers would not do their duty, if they did not put it down.

Earl *Grosvenor* said, he differed, toto cælo, from the noble earl who advocated the present measure. It was impossible, he thought, to agree in the propriety of passing the present measure, unless it was coupled with one to conciliate the Catholics of Ireland. He did hope that their lordships would feel the necessity of at least postponing the bill, until some resolution was passed, having for its object the restoration of the Catholic body to the enjoyment of their civil rights. No great interval of time could elapse, before such a proposition would be submitted to their consideration. He knew, indeed, that there were some of their lordships who believed, that the concurrence of a measure of conciliation with the present penal enactment, would not have the effect of neutralizing the evil, which the latter was calculated to produce. He differed from those who entertained such an opinion; and he had some reason to know, that if the measure of Catholic conciliation was coupled with the penal law, the Catholic Association would itself be perfectly satisfied. When the noble earl proposed, at the beginning of the session, to re-appoint the committee of inquiry into the state of Ireland, he felt disposed to object to it, unless the committee should be authorized to direct their attention to the great question of emancipation. The noble earl, it was true, said, that that question might be considered by the committee, though not referred to them specifically. But, that was a poor way, indeed, of treating so important a subject. It was a delusion to suppose that any great good would result from a committee so circumstanced. The influx of capital, and the existence of tranquillity were essential to the happiness of Ireland. But, how was capital to go there? Unless they had recourse to some measure of conciliation, it would be mere delusion to expect that capital should find its way into Ireland, or that tranquillity could exist in that country. If this measure came recommended from the Irish government, it was impossible that the noble marquis at the head of that government, should not have coupled it with some recommendation of another kind, favourable to the Catholics. This was the natural conclusion to be drawn from the known sentiments of the noble marquis, who had entrusted the noble earl who, the other night, presented a petition signed by a hundred thousand Roman Catholics, with his proxy, in favour of their claims. In withholding that information from the House, he could not help thinking that his majesty's ministers had exercised a very large discretion. He did not believe that the law, if passed, would be evaded. On the contrary, it was his

impression, that no such intention on the part of the Catholics existed. At the same time, while the disabilities existed, he did believe, that, instead of an extinguisher being put on the exertions of the Catholic body, it would make them more firm and compact, more decided and energetic. What had the Association done to excite all that hostility? It had been over and over again stated, that to the Catholic question, save those who might obtain a few seats in both Houses of parliament, the great body of the Catholics were indifferent. At least, the Catholic Association have disproved that objection. Then, with respect to the rent—that much commented upon rent. It was said that it was not a voluntary grant, but a compulsory enforcement. Nothing of the kind was proved. As to the circumstance alluded to by the noble earl, of a man being distrained upon for the rent, he had been given to understand, that no such process had ever issued. "But then," said the noble earl, "the Catholic priesthood have been the persons engaged in collecting it." What of that? He did believe that cases could be found in this country, where the Protestant clergy, demanding what was called voluntary subscriptions, had so pressed the claim, that many persons felt it to be compulsory upon them. Indeed, they thought they would be what was called "marked men" unless they subscribed. The Catholics said, they were oppressed and ill treated by the Orange party, and that they collected money for the purpose of procuring justice for such of their brethren as could not afford to go to law themselves. This appeared to him a very fair and legitimate object. The money was raised only for the purpose of procuring justice; and in the case where the society had prosecuted the soldier, the judge himself had complimented them on their moderation. He could not see any reason why the Catholic Association should be viewed with so much terror and alarm. Its proceedings were open. Every facility was given to the reporters attending them; so much so, that it was upon the evidence of a reporter that the Attorney-general for Ireland had attempted to get up a case against its leader, Mr. O'Connell. Was that gentleman, he would ask, punished, convicted, or even brought to trial, for the language he had used? No such thing. The bill against him was ignored, even upon the evidence tendered by the Attorney-general. This was decisive proof that there was nothing faulty in the conduct of the Catholic Association. As, therefore, no fault could be found with its actions, those who disliked its proceedings looked to its words; and having found the unfortunate words "By your hate to Orangemen," in a long and able address which it had put forth, seized upon it with the utmost exultation. He fully agreed with a noble lord, that the words in question meant little more than "by your hatred to persecution;" and if so, nothing could be more harmless than the adjuration which they contained. He was happy to see, that notwithstanding the efforts which had been made to excite the prejudices of the people against Catholic emancipation, they had been attended with imperfect success; and had dwindled into insignificance, when compared with their violence some years ago. At that time, every nook and corner of our streets bore the mark of "No popery;" and, unfortunately for the cause of religion, the feeling of the people went along with that infuriated cry. At present, the same hand-writing was on the wall, but the people cared little or nothing about it. Day and Martin, Dr. Eady, and Hunt, with his roasted corn and matchless blacking, beat it fairly from the field. He verily believed, that if their lordships were to pass a bill granting perfect emancipation to the Catholics, it would either make no impression on the country, or be received as a great and positive blessing. For his own part, he could not speak with common patience of the conduct of his majesty's ministers on this important question. That portion of them which wielded the lightning and guided the thunder of the state, which directed its energies and commanded its bayonets—that portion of them, he was sorry to say, was decidedly anti-Catholic. It was not enough, however, for the cabinet to differ from itself, it differed also from its royal master, and by its obstinacy placed him in a most distressing situation. As king of Hanover, he was all conciliation; as king of Ireland he was all coercion. To the Catholics of Hanover, he said "aye;" to the Catholics of Ireland, he said "no," upon the very same subject. It was true, that his majesty had it in his power to dismiss such advisers whenever he thought proper. "A breath could make them as a breath has made." It was said, however, that it would be impossible to get an

administration which would act with unanimity on this question; that it would be as difficult to form a cabinet that was wholly anti-Catholic, as one that was wholly Catholic in its politics. He did not know how that might be; but of this he was sure, that a ministry which was entirely anti-Catholic would not be able to continue in office for a single session. He was sure that the question of emancipation might be carried with ease by any ministry that would act upon it with sincerity and open-heartedness. He knew of no event which would create more satisfaction in Ireland, than such a consummation to the wishes of its Catholic population. It would call forth the shout of "Io triumphe!" and "Io Pæan," in every direction, and would unite our Catholic brethren to our side, in the strongest bonds of amity and affection. Capital would then flow from every side into that country, which had been so long blest by the bounty of Heaven, and cursed by the misgovernment of man: tranquillity would be restored; confidence would be revived; and comfort would be introduced to the fire-sides of a brave and contented population. The general exclamation would be "Nunc est bibendum; nunc pede libero pulsanda tellus." [a laugh] Noble lords might smile, but the people of Ireland, though they drank deeply now, would fill their bumpers still higher than before, in honour of so great and glorious a consummation. That it might not be long delayed, was his ardent and his constant wish; for he did not know any measure which would tend more to increase the power and consolidate the stability of the British empire.

Lord *Gosford* said:—I cannot reconcile it to myself to give a silent vote on the present occasion. I disapprove of many acts of the Association as much as any of your lordships can do; nay, further, I wish it had never existed; but it is impossible for me to express surprise at the existence of such a society, when I reflect on the conduct of the government and parliament towards the Roman Catholics—expectations at one time raised to the highest pitch, and invariably followed by disappointment. Is it, I would ask any noble lord, in human nature to suppose that a people would be quiet and contented under such treatment? With respect to the bill now before the House, I am persuaded it will fail in producing the effect proposed by it. Had the Association been let alone, it would, I think, have died a natural death: the people would have been tired of paying the rent, and in all probability those who attempted to enforce it, would have lost their influence and the confidence of the people—but if this measure should pass, you will have all the cunning mischievous people and pettyfogging attornies at work in devising means to evade it. With these impressions, I think the remedy proposed will prove worse than the disease, involving, as it does also, such an attack on the general liberty of the subject. My lords, knowing Ireland, as I think I ought to do, having lived almost all my life in it, and after the most deliberate consideration I can give the subject, I am firmly persuaded nothing can produce permanent tranquillity and peace in it, until further concessions are granted to the Roman Catholics. To do real and substantial good to that distracted country, this must be the basis; any superstructure, or any other foundation, will have, in my opinion, if any, but a temporary effect. With this conviction, and seeing the road so plain and direct before me, I cannot allow myself to be led into a narrow intricate path, such as I consider the present measure to be, and thus be turned aside from the only course that can lead to real, solid, and permanent good. Treat Ireland with liberality and kindness, and you will find her return it with gratitude, and become an effective part of the empire, contributing to its strength and welfare. With these sentiments I shall give my decided negative to the present measure.

Lord *Longford* thought, that the Catholic Association ought to be suppressed, as it was an enemy to the public peace of Ireland. He approved of the present bill; and he could assure the House, that a large and powerful body in Ireland viewed the measure not as a coercive, but a protective one. The Catholic Association was an irresponsible body, conducting itself in an unconstitutional manner. Its acts did not tend to conciliate. It held up whole classes of the community as objects of hatred, and endeavoured to perpetuate the ill feelings that were unfortunately engendered in that unhappy country.

The Duke of *Sussex* said, that though he always felt considerable embarrassment in addressing their lordships, he had never felt greater embarrassment than he then did, in declaring his decided opposition to

the present motion. The duty which he owed to his country compelled him to stand up as the opponent of the present measure; which he conceived to be utterly inconsistent both with the principles and with the practice of liberty. No reasons had been shown for passing it. Information had been asked for; but none had been given. The Speech from the throne had told them, that it was expedient that such a law should be enacted; but no mention had been made of any of the circumstances on which the necessity for it depended. The only reason given for it was, the notoriety of the evil it was intended to put down. He begged their lordships to consider what notoriety was. It was something or nothing; it was every body's, and therefore nobody's business. The information it conveyed was mere hearsay, and was evidence which would not be received in any court of justice in the country. Ought it, therefore, to be admitted by their lordships in so important a case as the present, where the liberty of the subject was so materially concerned? A noble lord opposite had illustrated the argument he had just used, in a surprisingly happy manner. The noble lord had said, that he had been told that the Catholics would not be satisfied, even if emancipation were granted to them. Were their lordships to be satisfied of the truth of that assertion on mere hearsay evidence? Certainly not. He, therefore, contended, that if the Catholic Association must be put down, evidence should be offered in support of the various accusations which had been made against it. He agreed with a noble lord who had preceded him, that the easiest way of putting down this Association would be by granting the object for which it petitioned. The noble earl opposite might smile, if he pleased, at that declaration; but in uttering it, he spoke the conviction of his mind, founded upon the experience of history, which showed that complaint always ceased as soon as grievance was redressed. He had heard with regret the observation of a noble earl, that this Association, though it had done much good, might have done much harm. He would advise the noble earl to look to facts rather than to probabilities. The noble earl had endeavoured to illustrate his argument by saying, that a candle was very useful in its way, but was very dangerous when placed too near a muslin curtain. He allowed it to be so, but he would not on that account extinguish the candle and leave the room in utter darkness. The noble earl, in arguing the propriety of this measure, had touched lightly on the Catholic question. Now, he believed that the propriety of this measure could not be properly discussed without entering at some length into that question, which was closely connected with it. Since the year 1778, great privileges had been granted to the Catholics; and he believed that those grants, so far from inflicting any harm, had conferred great benefit on the country. He had bestowed much pains upon the consideration of this question, and he was convinced, from the various debates which had taken place upon it, that it had been the intention of the legislature to throw open the door of the constitution to all classes of his majesty's subjects, as soon as it could be done without difficulty and danger. He was convinced that the sooner the Catholics were admitted within the pale of the constitution, the better would it be for the tranquillity and stability of the empire. He made that statement from a recollection of the grateful manner in which former concessions had been received by the Catholics of Ireland. As soon as the first concessions were made, in 1778, Ireland furnished us with 82,000 seamen, and thereby enabled us to recover our superiority on the ocean, from which we had been driven to the shelter and confinement of our ports. When he recollected that circumstance—when he looked to the immense force which we now kept up in Ireland—when he considered that measures of conciliation would tranquillize Ireland, and enable them to dispense with that force altogether, or to employ it in some other portion of the empire—when he reflected that economy was the order of the day, and that the people had a right to expect some further reduction of the taxation which the war had entailed upon them, he could see many reasons why the House should emancipate the Catholics, and not one reason to the contrary. He was prepared to contend, that the laws which had deprived the Catholics of the political privileges which belonged to their Protestant fellow-subjects were introduced originally for very wise political reasons. The pope was at that time possessed of considerable power. There was a Catholic sovereign in existence, who had been very properly driven from the throne on account of his arbitrary notions. That sovereign, on

retiring to Ireland, had obtained support from the Catholics of that country—circumstance which naturally excited grea jealousy in the minds of the people o England. The penal laws against th Catholics were therefore dictated by th paramount necessity of securing the liberty of the country, by placing a Protestant succession on the throne. The danger however, which had led to the enactmen of those laws had now disappeared, an the laws ought to disappear with it. Ther was now no Popish aspirant to the throne The political consequence of the Pope was gone; and, in spite of what was now doing on the continent, would never agair attain sufficient strength to become formidable. He recollected the noble ear opposite saying, during the war, "W must not grant emancipation now, because the Pope is in the clutches of Napoleon and may be compelled to use his influence against our interests." He had laughed at the argument at that time, as unworthy of serious consideration; and he must now laugh at the argument which had succeeded it, because, though dissimilar in its nature, it was equally ridiculous in its consequence. The noble earl now said "We must be afraid of the Pope, because the sovereigns who form the Holy Alliance have restored him to his dominions, and given him back a portion of his former power." He would allow, that those sovereigns had recently paid much court to his holiness; but, he now stated what he had stated before, that they did it not so much for the sake of the Pope, as for the sake of securing their own power by his influence. The first moment that they chose, they could crush into nothing the idol they had created. His opinion was, that if the restrictions which now pressed heavily on the Catholics were taken off them, we should be able to bid defiance to a world in arms, and to take care of our own liberties—a circumstance which we ought not to treat with indifference, since he believed, upon his honour, that if we did not take care of them ourselves, nobody would take care of them for us. He should watch over this bill in all its future stages, and give it his most strenuous opposition; if on no other account, at least to show the good will he bore to Catholic emancipation.

Lord *Carbery* made a few observations in support of the bill; contending, that the Association ought to be put down.

Lord *Kingston* wished to make one observation on a case which had been alluded to by a noble earl. He had been on the bench, when the man came to swear that his sheep had been taken under a distress, for the non-payment of the Catholic rent. Inquiry was instantly made into the complaint, and it was found, that the sheep had been distrained, not for any Catholic rent, but for breaking into a turnip-field of one of the man's neighbours.

The Marquis of *Lansdown* complained, that, after his majesty's ministers had refused to give them any information as to the extent of the evil which they sought to put down by this bill, and after their lordships had determined to reject the evidence tendered at their bar, to prove the non-existence of that evil, their lordships were called upon to give it their sanction upon a solitary fact, which had no sooner been stated, than it had met with a positive contradiction. He should give his vote against this measure; and if he were asked for his reasons for so doing, he would refer to those which were contained in the short but solid and constitutional speech of the royal duke who had so recently addressed them—a speech in the whole of which he fully concurred, and which pointed out a much safer and more constitutional course, than that which his majesty's ministers seemed inclined to pursue. Before, however, he proceeded to discuss the details of this bill, he should beg leave shortly to allude to the topics with which the noble earl had prefaced his motion. The noble earl had called the attention of their lordships to the great improvement which ministers had effected in the condition of Ireland. That improvement was rather of a late description. Tax had been imposed after tax, upon that devoted country, until it was found that the tripled and quadrupled tax, produced less to the revenue than the original impost. After they had achieved that discovery, ministers determined to repeal that tax, and to see whether the revenue could not be increased by doing a simple act of justice. With respect to the administration of justice, he was sorry to state, that he was more confident than ever he had been of its imperfect and partial condition. The proofs of that condition were now, or would very shortly be, before the public; and were such as, while they called aloud for a remedy of the evil, admitted of no contradiction. With this conviction, then, he would never endure to hear it said, that the adoption of

any better system was an indulgence to the people of Ireland, or that it was any thing but an act of justice which had already been too long delayed. Still he was grateful for it; and tardy as it was, he hailed it as a proof that some consideration was given to the subject; as a token, that the complaints which had been so long and so completely urged, were not breathed into ears wholly deaf to them. He now came to the particular measure before the House. He did not attempt to deny that the circumstances of Ireland were such as required great vigilance on the part of the government. No reflecting man could contemplate those circumstances, without deep and well-founded anxiety. When he saw the extraordinary, but not by him unlooked-for, appearance, which the country exhibited, it was impossible not to apprehend that a rivalry, or—perhaps, he might rather be justified in saying—a conflict would arise between the power of the government and that power which had grown out of the actual circumstances of Ireland, which might lead to consequences full of danger. For this state of things he confessed that some remedy, some prompt and vigorous remedy, was necessary. But, while he admitted this, he was bound to see, with no less caution, that the remedy proposed was sufficient for the purpose it sought to accomplish. He was obliged to inquire, and to ask whether, when it should be passed, the danger would remain or not; or if the degree of irritation which might be produced by it, would not induce a worse, and not less fatal, because a new danger. But the noble earl said, that even if it should be shown that this measure was insufficient, still he would propose it; and he gave a most singular reason for doing so: namely, that though it should prove ineffectual in putting down the Catholic Association, it would show that the efforts of government were equally ineffectual in attempting to put down their enemies. This, would, indeed, be a notable enactment, and a worthy result of the grave labours of the government. This was, in effect, the argument of the noble earl. But, did he think that it would be likely, among its other effects, to increase the respect of the people for the measures of parliament, because it taught them that they need not obey unless they should be disposed—that the power of the parliament was insufficient to compass its ends—that the law might be evaded, and treated with indifference, if not with contempt? Surely this proof that the government was "willing to wound, but yet afraid to strike," would have no other effect than that of alienating the minds of the people from them.—But, what was it that the present measure proposed to do, as against the Roman Catholics? He did not find that there was any intention—and God forbid there should be!—to put down the meetings of the Roman Catholics. He perceived there was in the bill, among other clauses, an elaborate provision, that any society which should continue to meet after the period mentioned, should incur—what penalty did their lordships think? Why, that such refractory society should not have the power of adjournment. A provision like this was worse than ineffectual; it threw an air of ridicule over its own avowed weakness. He professed a sincere respect for the order and form of the proceedings of that House: but he apprehended, that if assemblies should continue to be held after the passing of this bill, the provisions he had alluded to would hardly have any effect in checking them. Was it not obvious, then, that if the power of meeting at all should be left to the Roman Catholics (and God forbid that such should ever be taken away), the disposition would be in no way lessened by such a provision—that the excitement would rather be increased, and that all the dangers which were apprehended from such meetings would exist in their full force, just as if no such restriction on their power to adjourn had ever been enacted?—He would next advert to the subject of the rent, with respect to which so much had been said. He was free to confess, he thought the name ill chosen and objectionable. But, when this had been admitted, he asked their lordships, whether it became them to pass such a bill, merely on account of an improper phrase. The real question was, not what it was called, but whether any improper power, any undue violence, had been used to collect that rent. If any authority had been exercised, if any attempt in the nature of a distress had been made to enforce the payment of that rent, then, indeed, something like a case would have been made out by those who supported the measure. But he had also to complain, that there was something like special pleading in the terms of the bill with respect to this. The

words used were "levy and receive." These two words, the meaning of which were wholly different, were coupled together, if not with an insidious intent, at least so as to produce an unfair effect. To levy money in any way but by the authority of parliament was unquestionably illegal; but this the Catholic Association had not done, and had not attempted to do. To prevent money from being received, while one party was willing to pay and the other to receive, was wholly beyond the authority of parliament. He would ask, whether by any stretch of human ingenuity, by any species of inquisition more searching and more rigorous than had been invented in the most bigotted country that the world ever yet contained, an accurate account could be extorted of every shilling that had been received, from whom it had been received, and to what purposes it had been applied? —He would not detain their lordships by going into a consideration of the various means by which the provisions of the bill before them could be evaded. It was enough that it was obvious, that it could be so evaded. The bill, to be effectual, must take away from the Catholics the disposition or the power to do as they had hitherto done; and since it was in every way impossible for the authority of the legislature to effect this, the matter which it affected to remedy would be worse after it had passed than it had been before. The evil was deeply and firmly fixed; its root was in the state of society in Ireland. Everybody knew that whole nations and communities might be held under an arbitrary domination—that the influence of power might wither and extinguish all the feeling and desires which tended to exalt and improve human nature—that men might be held in a state of servitude, and even reconciled to the loss of all their civil rights and privileges. This might be done—this had been done: but what arbitrary power could not do was, to keep a nation (and the Catholics of Ireland might, with reference to their numbers, be called a nation) in a state of deprivation of their natural rights, while they were intermixed with another people who were in the full enjoyment of all the blessings of civil liberty. All the ingenuity of the most learned lawyers—all the penal statutes which might be heaped upon the table of the House—could not shut the door against the influence of such freedom, could not intercept the feelings which must arise from the interchanges of sentiments, the communication of wealth, between the nation in thraldom and the nation which was free. The very blemishes and defects—the very excesses to which the enjoyment of liberty sometimes led, would be loud and convincing exhortations to those who were without their fair share of its blessings, never to cease struggling for them until they were obtained. Their very obedience to the laws would teach them that the reward of that obedience was the enjoyment of the rights of which it was the purchase. If the enjoyment of those rights were withheld—still more, if the attempt to obtain them on the part of those from whom they were withheld was punished by penal statutes —the legislature ought not to be surprised, that discontent and disorder were the consequences. If they still resolved to withhold from the Catholics the light and warmth of the sun of the British constitution, they must not be surprised that in their despair they sought the assistance of those wandering lights, which fitfully and partially illumined the atmosphere in which they lived. Let their lordships consider to what manner of nation it was that they were asked to apply this rigorous and unnecessary restriction. It was a nation which he hardly felt himself able to describe, and to which he should therefore apply the words of a writer, who was not less famed for the force and beauty of his prose writings than for the inimitable excellence of his poetry—Milton, in speaking of the English nation, and addressing its rulers, said, "Lords and Commons of England! consider what nation it is whereof ye are the governors: a nation not slow and dull, but of a quick, ingenious, and piercing spirit; acute to invent, subtle and sinewy to discourse, not beneath the reach of any point, the highest that human capacity can soar to." Such a nation did he (lord L.) think Ireland was. He besought the House to remember, that over this nation there was exerted that most tremendous engine of modern times—the press, a—power which, like electricity, roused the latent fire which existed in every part of the national economy, woke every sympathy of human nature to the keen enjoyment of the advantages which existed for the universal good of society. The people of Ireland were invited to participate in all the enterprises which England undertook; they were invited to participate in the advantages of

the extensive commerce which was one of the chief distinctions of England amongst the other nations of the world, and in all the hopes of higher and more noble things to which that commerce gave birth; they were invited to enter the army and the navy, and they were taught to imbibe a love of honour, and to seek for its reward; they were invited to become the possessors of landed property—(in a few days he should take occasion to show the House to what extent they had accepted this invitation)—and, consequently, to encourage a wish to cultivate those honourable relations, and to obtain that distinction, to which the possession of landed property naturally led them to look, and which would alone enable them to make to their country a fit return for those honours. After these feelings had been excited—after these hopes had been encouraged—did their lordships think that, by penal acts of parliament, they could stifle the discontent which disappointment had engendered, or cure the sickness which was the consequence of hopes delayed? It was not by making, but by repealing, penal statutes, that they could hope to effect such a purpose. Such instruments were wholly unequal and unfitted for the purpose—

———" The elements
Of which your swords are temper'd, may as well
Wound the loud winds, or with be-mocked-at stabs
Kill the still-closing waters."

They must remove the necessity for such meetings as that against which the bill was levelled. That alone would extinguish the mischief, and annihilate the necessity of attempting to put down discontents. Since this bill had been laid upon their lordships' table, he entertained additional hopes that those discontents would be for ever composed. A circumstance had occurred within the last eight-and-forty hours, which, if he knew any thing of the Catholic body, must teach them the policy of suspending, for a time at least, the angry feelings which they, not without reason, entertained. They had now much to hope for. He conscientiously believed, that in this, as well as in the other House of parliament, there were many persons who had voted, or who were about to vote, for the bill before them, but who were nevertheless as warm friends to their cause, as any persons in this world. This he wished the Catholics to be convinced of; and he wished them, moreover, to place their full confidence in those who were their real friends. He believed the bill could not succeed in the object which it had in view, for the grounds he had stated; and that it would never be called into action, because it would be evaded, or rendered unnecessary. In this belief, he concluded what he had to say. Having stated his objections to the bill, he should not oppose it in its future stages with so much pertinacity as he should otherwise have felt it his duty to display: and he sat down in the fervent hope, that the measure to which he had alluded, might have the effect of restoring peace and tranquillity to Ireland.

The Earl of *Harrowby* said, he could not collect, from what had fallen from the noble marquis, that the Catholic Association ought not, in his opinion, to be put down. The whole of his arguments went no further than to shew, that the measure about to be enforced was not calculated to produce the intended effect. Now, his objection to the Association was, that it tended to keep up perpetual irritation; that it had the effect of raising blister after blister, until the whole body became one mass of ulceration. It had been said, that the Catholic Rent had not been collected compulsorily, but was a free gift on the part of the people. To this his answer was, that the voice of the priest in collecting that rent was equally, if not more powerful, than the voice of the tax-gatherer. He was the more anxious to give his support to this bill, because he felt, that, the moment the Catholic Association was declared by parliament to be illegal, it would discontinue its operations. That Association had existed for eighteen months. Government were told, that they ought not to interfere hastily for its suppression, but wait for time and circumstances before they put it down. They had waited; and it was not until imperiously called upon, that they now interfered for its suppression. The noble marquis contended, that other measures might be introduced which would effectually remove the discontent of the Roman Catholics. That might be true; but still it was no reason against the suppression of the Catholic Association. If that Association were allowed to take its course, who could doubt that it would be met by another Association?—who could doubt, in the state of alarm, whether real or imaginary, in which a portion of the people of that country were, that that would

take place which his majesty's government had been so anxious to prevent; namely, an open contest between the two parties? He was of opinion, that this bill ought to pass, as he conceived it necessary, under existing circumstances, to the tranquillity of Ireland. When he advocated the cause of the Roman Catholics of Ireland, he did so, not because he looked to their interests alone, but from a conviction that, in doing so, he was equally advocating the cause of his fellow Protestants in Ireland: and, as they were about to enter on the discussion of that great question, he was most anxious to approach it with every possible advantage in its favour. Therefore it was, that he had tortured his invention, in order to produce some palliation of what he could not help calling the deliberate resolutions to which the Catholic Association had come, and which, he was sorry to say, had been productive of serious injury to the cause of the Roman Catholics generally. He wished to tell those who doubted the loyalty and good disposition of the Roman Catholics, that however ill-advised they might have been; whatever steps might have been taken to lead them into tracks which they would, in cooler moments shudder to approach, they were ready, the moment the voice of parliament was pronounced, to obey it, and to give up, not their claims or their petitions, but those meetings of the Catholic Association, which the legislature had found it necessary to suppress. He, and those noble lords—who with him supported the claims of the Roman Catholics, were anxious that they should shew their obedience to the law. He wished that their admission to a participation in the legislature of the country should be softened and smoothed down, instead of having the appearance of being forcibly and violently obtained. It was because he entertained this feeling —it was because he was sincere in his wish to emancipate the Roman Catholics —that he gave his decided support to this bill.

The House then divided on the second reading of the bill: Contents 146; Not-contents 44; Majority 102.

HOUSE OF COMMONS.

Thursday, March 3.

UNLAWFUL SOCIETIES IN IRELAND—ORANGE LODGES.] Mr. *Brownlow* presented a petition from certain Protestants of Ireland, praying inquiry into the institution, objects, signs, oaths, and pass-words of the Orange Lodges of Ireland. The Orangemen were most anxious for inquiry, in order that they might relieve themselves from the malignant libels of interested parties. They were ready to make a disclosure of every thing connected with the existence of the societies, before the committee now sitting on the state of Ireland, as they had, in fact, nothing to conceal. He also made some remarks, on certain charges brought by Mr. O'Connell against the Orange Associations. One of these charges was with regard to the 68th psalm, verse 23, "That thy foot may be dipped in the blood of thine enemies, and the tongue of thy dogs in the same." It was imputed, that this text was used as a sign by the Orangemen, when the fact was, all that Orangemen had to do with the 68th psalm was the question, "Where do you come from, and where are you going to?" and the answer, "I am going to the high hill of Bashan." He did not apprehend, that, after the bill now before parliament should have passed, Orange Societies would continue in Ireland.

Lord *Althorp* remarked, that part of the information of which Mr. O'Connell had spoken, had turned out to be correct; and it was certainly singular, that the right psalm, though not perhaps the right verse, had been pitched upon.

Mr. *Hutchinson* said, that if the Orange Lodges had been maligned as to their motives, the fault was attributable to themselves, since they had refused to make any disclosures.

Mr. *Abercromby* expressed the great gratification he felt at hearing that Orange Societies were extinct in Ireland. He was glad also that they had now no objection to the investigation of all their secret oaths and signs, and he hoped that the committee on the state of Ireland would enter into the subject. He was certainly surprised at this change, because he could not forget, that, two years ago, when he brought forward his motion, they had done all in their power to conceal what they now volunteered to disclose.

Mr. Secretary *Peel* said, he felt the utmost satisfaction at the intimation, that there was to be a complete end to Orange Societies in Ireland. He most cordially joined in the exhortation that these associations should yield to the repeated sense of parliament, and obey what would

soon, in all probability, become the law of the land. The petitioners referred to the testimony he had borne to their loyalty, in 1814. He was willing to bear the same testimony now. Indeed, no complimentary expressions he could use, would be stronger than those employed by the hon. baronet, the member for Westminster, in the late discussions on the Catholic claims. But no loyalty, on the part of the members of the lodges, could compensate for the evil of their existence. With regard to certain members of the Orange Associations, he was able to assert, that, although in public employments, they had continued to belong to them, for the sake of exercising a beneficial influence over the rest of the members, at once to dissolve all connexion.

Mr. *Brownlow* observed, that, by saying the Orange Societies no longer existed, he meant to indicate to the House that, as soon as the bill now before the other House passed into a law, the Orange Associations would submit to that law.

Ordered to lie on the table.

REPEAL OF THE ASSESSED TAXES.] Mr. *Maberly* said, he rose, in pursuance of notice to call the attention of the House to the propriety of repealing the whole of the Assessed Taxes. When he looked round him, and saw the thin state of the House, he should have imagined, that not a single petition had been presented for the repeal of those taxes; whereas, if the country were canvassed from house to house, he believed that nine hundred and ninety-nine householders out of every thousand would be in favour of this motion. However eloquently and forcibly the right hon. the chancellor of the Exchequer had brought forward his financial statement, he might be allowed, without impugning the right hon. gentleman's motives, to differ from him as to the means by which he proposed to alleviate the burthens of the country. Concurring with him in his principles of foreign policy and free trade, he could not help thinking he was at variance with his own principles on other subjects; but, following up those principles, he should endeavour, and he hoped successfully, to contend that the right hon. gentleman had not taken the best mode of relieving the public from their real burthens. He did not contend that the people were now distressed; but he contended that if they were now in a more affluent state than formerly, they were still entitled to all the relief that could be afforded to them, and that the governors were to act for the benefit of the governed. He had supposed that the right hon. gentleman would have paid more attention to this particular subject; and he thought the people had a right to have these taxes repealed, when their opinion was so general on the subject. He should endeavour to follow the right hon. gentleman through his statements; and it did appear to him, that, following up his own principles and propositions, the right hon. gentleman had not taken the best means of alleviating the public burthens. He would therefore state his own views, and show that a reduction of taxation to a larger amount might be effected than that which was proposed. The first article that the right hon. gentleman proposed to reduce the duty on, was hemp, from which he took 50 per cent, consequently leaving a duty of 15 per cent. Now, he always understood that this article was to be put on the same footing as flax, because it was a raw material, and greatly used in manufacture. Cordage was now purchased from foreigners; whereas, it would be wholly manufactured by ourselves, if there were no duty on it. The right hon. gentleman said, "here I have followed the advice you gave me; I have reduced the duty on the articles you pointed out;" but, in point of fact, he had not made that reduction on those articles in which it would have a real effect on manufactures. The next article, the duty on which was reduced, was coffee; when petitions were coming from every part of the kingdom, praying for a reduction of duties on other particular articles, without any allusion or reference whatever to coffee. This was a reduction which would only operate in favour of the rich, and, therefore he thought, as it would not give general relief, the right hon. gentleman might have made a better selection. The next article was wine. To be sure, the right hon. gentleman made a sort of attempt to say that wine was an article of necessity for the sick; but he nevertheless could not help thinking, that it was an article of luxury on which a reduction of duty would not affect the poor. He should be told that the motive for this was, to follow up the principle; namely, "we shall pay for these things in articles of our own manufacture; and if we reduce the duties we shall increase the consumption." That might be very true in some

respects; but, would any member believe that if a person was in the habit of drinking one bottle of wine at dinner, he would drink two, in consequence of this reduction of duty? Would the consumption be doubled? for that was the real question. In his opinion, it would not; and when the right hon. gentleman proposed to give up 230,000*l.* on this alone, he thought it might have been given up on some other article, which would afford relief to the community at large. The next article was British spirits, and the argument used by the right hon. gentleman was the same as that which he adopted with respect to wine; but in this reduction he rested mainly on the tendency it had to abolish the commission of that enormous offence, smuggling. He was sorry this offence made so deep an impression on the right hon. gentleman, because his principle was not followed up with justice. Last year he chose to legislate by halves on this very subject, and to reduce the duty in Scotland and Ireland to 2*s.* 6*d.* while in England it remained at 10*s.* 6*d.* Every body told him then that he would prevent smuggling in Scotland and Ireland. And so he did; but he brought it to the borders of the Tweed; for, in fact, it would not be abolished without reducing the duty equally through all the three countries. If the right hon. member did this, smuggling in the particular article of spirits would be at an end; and the smuggler would be driven to turn his capital and industry to tobacco and other articles. He, therefore, should say, that the duty ought to be reduced on every other article, before those things were touched, which were only calculated to demoralize the people. The next article was rum; and, he would leave that subject to those who were more competent to treat of it. The next article was cyder; and with respect to that, relief was certainly afforded to those who drank cyder as beer. With respect to the repeal of the Assessed Taxes, it would be not only doing away the taxes themselves, but abolishing the vexation which many persons endured from the mode in which they were subjected to penalties, from not knowing how to act. The article to which the reductions of the right hon. gentleman next applied, was iron; and he would ask, why he did not take the same course with respect to hemp? That article was also a raw material, and he saw no reason why one should stand at 15 per cent while the other was at 30*s.* There should be some equal scale, to follow the principle of the right hon. gentleman correctly. He had nothing more to say with respect to the proposed reductions; but he thought it expedient to show the right hon. gentleman how much more he might have done. Did he not think it would be much better to reduce the duty on tea, than the tax on wine and spirits? We could send out manufactured articles to pay for tea the same as we did to pay for other articles. The benefit proposed by reducing the duty on wine and spirits was, that there would be an additional quantity consumed; but, there was this difference between that reduction and a reduction of the duty on tea—the one commodity tended to demoralise the people, while the other did not. The next article alluded to by the right hon. gentleman was tobacco. It was much more desirable that the duty should be reduced on that, than on spirits, because it was become an article of necessity; and moreover, it was as much smuggled as spirits; therefore the argument with respect to smuggling applied equally strong to it. There were many articles which would come under the same description, such as hides, indigo, tallow, wool, silk, &c. and he would say that it was expedient to reduce the duties on these articles, in preference to those articles which demoralised the people. He should not dwell on these articles: all he meant to show was, that if the selection of the right hon. gentleman had been more judicious, there would have been more relief afforded.—He should now proceed to the consideration of that part of the question of which he had given notice; namely the reduction of the Assessed Taxes. He thought after the numerous petitions that had been presented from all parts of the country, the House must be thoroughly convinced, that there was no tax on which a reduction would give so much general satisfaction as the assessed taxes, particularly the house and window taxes. He was not so anxious as to the others, because they fell more on the rich. By the abolition of these taxes, we should get rid of one entire branch of the management of the revenue; because the land tax could be easily put under another class. A saving of upwards of 300,000*l.* would take place in taxes which not only pressed on the people, but were vexatious and onerous in their nature. The people were as much dissatisfied with

the vexatious mode in which these taxes were collected, and the trouble they had in making appeals, as they were with the burthen itself. The hon. member here referred to the speech of the chancellor of the Exchequer, in 1823, in which that right hon. gentleman said, there was a necessity of getting rid of direct taxation then. The assesed taxes were quite as grievous now; and he knew of no class in society that would not be relieved by the repeal of them. The poor man would be relieved; the man in middling circumstances would have his oppression alleviated; and, above all, the shopkeeper, on whom these taxes pressed particularly heavy, would be eased of his burthen. He was aware that the window-tax had been remitted, as far as shop windows were concerned; but yet these taxes operated, in other respects, most grievously on this class of society. He looked upon this tax as a partial tax—as a sort of property tax; and, as such, just as grievous as if it was put directly upon funded or landed property. The reducing a tax in part was, in his opinion, a very improper measure. If a tax was to be reduced, it should be reduced altogether; by which means there would be a great saving to the government in the expense of receiving and gathering it. With respect to the sinking fund, instead of keeping it up, he thought it might be much better applied to the reduction of taxes. In fact it was no sinking fund; for he would shew that the debt was greater at the present time than in the year 1815. The House was told that there was a sinking fund of 5,000,000*l*. A noble lord had come down and declared, that the safety of the nation depended on it; but in fourteen days afterwards he had stated, that finding it not agreeable to the House, he would, if it pleased, grant an annuity for forty-five years, so that the government should have in its possession a fund for the satisfaction of those demands; and the noble lord was actually allowed, though going in opposition to his own principles, to put a debt of sixty millions on the country; and he also made, what he had no right to make, a voluntary surrender of two millions. Mr. Ricardo had said, that he found, from experience, that a sinking fund was always seized by the minister. Nothing could be more true than this. It was true, that that gentleman had never objected to the principle, though he had in that manner found fault with the application. The argument mainly used by the advocates for the sinking fund, was the advantage that accrued from daily purchases; that is to say, that though the money was obtained on bad terms, yet the system was to be encouraged, as it went to the keeping up of public credit. But, the proof of the fallacy of all this reasoning was the fact, that the country had a funded and unfunded debt of 12,000,000*l*. more than it had in Jan. 1816; and the way that was adopted, was an underhand and juggling one, in order that the country gentlemen might be deluded into the support of the measure. With respect to the advantages, he contended that they were greater by giving up the taxation, than by increasing the sinking fund. He would not deny that the interest of the debt had been greatly reduced by altering it from five to four per cent, but that advantage did not arise from the sinking fund—a thing that, in fact, never existed—but was rather owing to the prosperity of the country, which gave the people energy and industry. He knew of nothing that came so home to the people as the reduction of direct taxation. He had voted with the government on all occasions when they had displayed a liberal policy; but he would ask the right hon. gentleman, whether the sinking fund could give such general satisfaction as the reduction of the taxes? He took the same view as the right hon. gentleman had done, with respect to the regulations of trade, and he thought that a better alteration had never taken place. Before, it was nothing but restriction; now, it was all liberty: and he was convinced that there was no measure that could give more general satisfaction, than the repeal of the Assessed Taxes. The amountthat he proposed to be repealed was 3,970,000*l*., as taken off from the nett produce of 1824. He would move his first resolution, "That it is the opinon of the House, that all duties on Windows imposed by 48 Geo. 3rd, and subsequent acts, should cease and determine."

Mr. *Leycester* seconded the motion. He said, he was decidedly in favour of getting rid of the assessed taxes, from the constant vexation to which the collection of them was subject. Let these taxes be taken off, and the revenue would lose nothing, for the country would be richer, and the consumption on all hands would be greater. Gentlemen would keep more horses, more servants, and contribute to

the support of the state full as effectually as they did at present. Under the existing system, the land was overshadowed with tax-gatherers, a venal phalanx, always ready to cry "Popery," or "No Popery," at the beck of any minister who thought proper to command them. The whole process attendant upon surcharges was vexatious and unsatisfactory, in the highest degree; and the trouble of appeal was such as to render that remedy entirely unavailable. He agreed entirely with his hon. friend, as to the propriety of the repeal of the assessed taxes; and not less decidedly upon the reduction of the sinking fund. The removal of taxation, by favouring the accumulation of wealth and capital, would do ten times more towards enabling us to get rid of the national debt, than ever the sinking fund would do. There were circumstances in the condition of the country which made such a change of system peculiarly desirable. A general desire prevailed for an alteration in the corn laws. It was most advisable that such an alteration should take place; but quite impossible that it should be made, without a repeal of the sinking fund. The corn laws formed a counterpoise, as regarded the agricultural interest, to the assessed taxes; and it would be impossible for that interest to bear such a burthen, if it was deprived of that support.

Mr. *Heathcote* supported the motion, because he was persuaded that it was the general wish throughout the country. He was not, however, of the same opinion, with respect to the sinking fund; for he was persuaded it was a fund that, should this nation be again engaged in war, would enable the government to arm the troops, and raise the necessary supplies.

The *Chancellor of the Exchequer* said, he certainly felt a little surprise, after having heard the argument of the hon. gentleman, that he should have brought forward his motion to-night, because he grounded the practicability of effecting his object on the extinction of the sinking fund. Now, it so happened, that the hon. member for Aberdeen had that very night given notice of a motion which went to get rid of the sinking fund; and it was a little singular, that the hon. gentleman should bring forward his present motion without attempting to lay the basis on which alone he admitted that it could be founded. However, as the hon. gentleman had not thought proper to take that course, he should state to the House the reasons why he thought it would not be advisable to adopt the hon. gentleman's proposition. He should take the liberty of considering the hon. gentleman's proposition as a whole; for, although he had divided his motion into a number of branches, probably with the view of catching the votes of a few persons who might be disposed to give it a partial support, yet the notice which the hon. gentleman had given, and the general argument on which he had founded his motion, went to the abolition of the whole of the assessed taxes. It was to be recollected, that, at no distant period, the hon. member for Westminster was to move, specifically for the repeal of the House and Window taxes. He should, therefore, consider the hon. gentleman's motion, as a motion for the repeal of the whole of the assessed taxes. The hon. member, while he disapproved of the items of taxation which had been proposed to be remitted, contended, that by getting rid of the sinking fund, three millions and a half of taxes might be reduced, in addition to the 1,500,000*l.* proposed to be reduced. The hon. member argued, that the reduction of the duty on hemp was not sufficient, inasmuch as it was now 3*s.* per cent on the value, and it was only proposed to reduce it to 15. It should be recollected, however, that if the demand for hemp became greater, the duty would cease to bear so high a proportion to the price. He had been informed, by persons capable of forming a sound opinion on the subject, that the reduction of the duty on hemp was a boon which would be generally felt, and duly appreciated. The next item was that of coffee. Here the hon. gentleman had found fault with him for having selected an article which, he said, was very little consumed in this country. He did not know upon what ground the hon. gentleman had made his statement. At all events, he was satisfied, that, if it were not for the high duty, it would be much more extensively consumed. It appeared that, since the duty had been increased, the consumption had diminished; and there could not be a surer criterion of a tax being too high, or a stronger motive for reducing it, than the fact that it had impeded the consumption. He had recommended the reduction of this tax; first, because it would tend to bring a nutritious and palatable article within the reach of the poorer

classes of the people; secondly, because it formed part of those general principles of commercial expediency, which he had recommended to the adoption of the House; and thirdly, because it tended to give additional facilities to the consumption of West-India produce. With respect to the reduction of the duty on wine, the hon. gentleman had treated with great contempt that part of the statement which he had made on a former night, in which he had endeavoured to shew that wine was not a mere article of luxury. To a vast number of persons in the middle classes of society wine could not be considered as a mere luxury; but, even admitting it to be so, why should they not endeavour to give to those classes a taste of the luxuries which they themselves enjoyed? If he had made the article of wine more accessible to trades-people, for instance, than it had hitherto been, he conceived, that the course he had taken was perfectly consistent with justice and sound policy. He believed there was only one objection to the reduction of this duty; and that was, that it came a year or two too late. The hon. gentleman had found great fault with the proposed reduction of the duties on spirits. This was certainly a very important part of the reductions, as it constituted one-half of the duties which he proposed to remit. The hon. member, however, seemed to forget, that the course which he had taken with regard to spirits, was rendered absolutely necessary, with a view to the prevention of smuggling. After the measures which had been taken with this view in Ireland and Scotland, it was perfectly clear, that it would be impossible long to maintain a duty in England, between which, and that in Ireland and Scotland, there was the enormous difference of 10s. 6d. and 2s. He was perfectly aware of this; and he had only maintained the duty so long in this country, with a view of observing the practical effect of the measure in those parts of the empire. The hon. member said, that the reductions did not go far enough; and that he did not execute his own purpose. He admitted that he did not; but it was impossible to do every thing at once. The hon. member wished the duty on tea to be remitted; but, if he dealt in this way with all the great branches of the revenue, what would be the effect of such a sweeping reduction with respect to his own proposition for the reduction of the assessed taxes? He complained also, that the duty on tobacco had not been taken off. Now, it would have been useless to diminish the duty on tobacco to a less extent than one half; for any smaller reduction would only have thrown money into the hands of the dealer, without diminishing the amount of smuggling in that commodity. Supposing the reduction of the duty on tobacco to have been one-half, and the loss to the revenue one-fourth, this alone would amount to 1,500,000*l.* the whole of the disposable surplus. How would such a reduction, therefore, have affected the hon. gentleman's plan for the reduction of the assessed taxes? Then, the hon. gentleman went to the duty on tea. The duty on tea was 100 per cent; heavy enough God knew! and the amount of revenue arising from that commodity was 3,000,000*l.* The smuggling in this article was not so easy as in some other articles; but, if the smuggler were driven from his illicit trade in tobacco, he would probably have recourse to tea, and in order to prevent smuggling in that commodity effectually, it would be necessary to reduce as much as three-fourths of the duty. This alone, therefore, would produce a loss to the revenue of 2,250,000*l.* How could such a reduction be consistent with the hon. gentleman's own proposition?

Mr. *Maberly* said, he had not proposed to reduce all those articles in that proportion, but only some of them.

The *Chancellor of the Exchequer* said, it appeared, then, that he had misunderstood that part of the hon. gentleman's argument. However, he contended, that the assessed taxes ought to be reduced, and that it would be possible to repeal them, as well as to apply 1,500,000*l.* to the reduction of taxes on articles of consumption, by getting rid of the sinking fund. Now, he begged to call to the recollection of the House, that, since the year 1821, three millions and a half, that was, one-half of the assessed taxes, had been reduced. He had applied himself generally to relieve the country from its burthens. Great relief had been afforded in the malt and salt taxes, and in the duties on articles connected with foreign trade. Out of ten millions which had been applied to the relief of the country in the last four years, three millions and a half had been applied to the reduction of the assessed taxes. This was surely a fair proportion, supposing the other objects of relief to have been worthy of the

attention of parliament. The hon. gentleman said, they had nothing to do but to get rid of the sinking fund, and they might then repeal three millions and a half of taxes. But, he had also argued, that, in point of fact, they had not got five millions of surplus; the arrangement about the half-pay and pensions was, as he contended, a mere juggle, and the surplus did not amount to more than three millions. If this was so, the hon. gentleman's proposition would actually go to increase the debt of the country to the amount of 500,000*l.* The right hon. member for Knaresborough (Mr. Tierney) and the late Mr. Ricardo, though they were opposed to a sinking fund, constantly argued for the necessity of maintaining a surplus; but, the hon. gentleman's proposition would destroy that surplus. The hon. gentleman had said, that though his (the chancellor of the Exchequer's) propositions had been favourably received in that House, they had excited universal dissatisfaction out of doors. Now, as far as he had been able to collect the opinions of persons out of doors, the propositions which he had made to the House, so far from exciting universal disappointment and dissatisfaction, were approved by all classes of the community, and believed to be founded on a fair, just, and enlightened regard to their best interests.

Mr. *Calcraft* said, he could not go the whole length of his hon. friend's propositions, because he did not think they could be acceded to, consistently with the principle which he had always maintained, of preserving a considerable surplus. In the propositions for repealing the house and window duties, he fully concurred. As he had had no opportunity of making any observation on the night the chancellor of the Exchequer made his financial statement, he must now give that right hon. gentleman his hearty thanks for a statement, which he had heard with great satisfaction. It was a candid, liberal, and enlightened view of the state of the country; and he congratulated that country upon having a gentleman of such principles in the situation which the right hon. gentleman filled. At the same time, he agreed with his hon. friend, that a larger portion of the surplus ought to have been applied to the reduction of taxation. The first duty of parliament was, to give effect, as far as possible, to the energies of the people; and the most effectual way in which that could be done was to reduce taxation. It had been said, that taxation was to be reduced to the amount of three millions and a half; but it should be recollected, that we were now in the tenth year of peace, and that we had still to make up a revenue of fifty millions in taxes of every kind. Could it be imagined that we were always to continue at peace? And, if we had such an amount to make up in peace, was it not to be expected that our burthens would increase on the breaking out of a war. He did not say that there was any immediate prospect of a commencement of hostilities, but it was not probable that we should continue always at peace. However, while we were so, it was right that every thing should be effected, to render us better able to meet the additional burthen. The best way to do this would be to pay off, while we could, as much of the debt as possible. The keeping up a large sum as a sinking fund he condemned; as it held out a temptation to a restless minister to embroil the country in a war. In the proposed reduction on wines he entirely concurred; but, he thought the reduction would not be effectual if the government did not go a step further. By the treaty with Portugal, in 1810, it was agreed, that every encouragement should be given to English companies dealing in the wines of that country; but, the fact was, that since then a Portuguese company was established which, by its dictum, decreed that only so many thousand pipes of wine should be annually imported into England; so that they effected a complete monopoly. It was somewhat similar, with respect to the importation of claret into this country. It was in very few hands; and the price was regulated by the quantity which they pleased to import. He trusted that ministers would interfere to prevent this monopoly; otherwise their proposed reductions would not be of much advantage to the country. He would give his support to the propositions of his hon. friend, for the repeal of the house and window-tax. These would amount to 2,500,000*l.*, which, added to the 1,500,000*l.* which the right hon. gentleman proposed to reduce, would make 4,000,000*l.*; but, as some of the right hon. gentleman's items, to the amount of 270,000*l.*, were included in those of his hon. friend, the whole of the reductions would then be 3,730,000*l.*, which would still leave a sinking fund, or

a surplus revenue, ample enough to meet any deficiency between our income and the expenditure. As to the bargain with the Bank, for the "dead weight," it was most ridiculous to continue it. The arrangement, he knew, was made before the right hon. gentleman came into office, but it was an arrangement which he trusted he would not sanction.

Sir *J. Wrottesley* supported the motion. Though he would give the preference to the reduction of the House and Window-taxes, he was an advocate for the repeal of the whole of the assessed taxes. Even after the reduction of those taxes, by getting rid of the sinking fund, there would remain a surplus of two millions.

Mr. Alderman *Wood* said, that, in his opinion, the proposed repeal of taxes would not produce relief amongst those classes for whose benefit the reduction was intended; for he had always found, that in cases where the poor had been relieved from the operation of a tax, the landlords increased their rent. He should vote with his hon. friend, because he was desirous that all the assessed taxes should be taken off.

Mr. *Huskisson* said, he could easily conceive that there were many persons in the country, who would be very desirous that all the assessed taxes should be taken off; and if principles of that nature, which were formerly avowed, had been adopted by parliament in an evil hour, they would have led to the destruction of the British empire, by violating the obligations of national honour, the strict observance of which, under all circumstances, had given England that proud pre-eminence which she now enjoyed over all the nations of the earth. With respect to the proposition of the hon. member, he must say, that as notice had been given of a motion concerning the sinking fund, it would be much more candid and manly to introduce those arguments on that occasion. But, although he could not admit its candour, he could very well understand the tactics upon which the motion of the gentlemen opposite was founded. The hon. member very well knew, that many members might feel disposed to vote for the reduction of the assessed taxes, who would resist any attempt upon the sinking fund. But, the House must see, that to vote for the proposition of the hon. member would be violating the principle to which they were pledged, of maintaining a sinking fund. There was another consideration to which the attention of the House ought to be directed; namely, whether the reduction proposed by the hon. member was that which would give the greatest general relief. He was ready to admit, that there were some taxes which nothing but severe necessity could justify. It had been always held by the gentlemen opposite, that direct taxes operated less mischievously than indirect taxation; and that the Income tax was as free from objection as any other, but for the inquisitorial power which accompanied it. Now, the window-tax was not liable to this objection; and he therefore thought it was not one of the taxes which should be selected for repeal. It had been said, that the reduction of the tax on windows and houses would operate as an inducement for absentees to return and reside at home; but, he was persuaded, that his right hon. friend had, by the reduction of the duties on wine, held out the most effectual temptation for absentees to reside in their own country; and upon this subject he wished to mention to the House a circumstance which had just come to his knowledge. It was proposed by his right hon. friend as part of his plan, to remit to the wine merchants the duty on their stock on hand; and he had learned with considerable indignation, that, within these two days, they had added a price to their wines equal to the duty proposed to be remitted. Now, if this were the case, it would be proper for the House to consider whether those gentlemen should be allowed to pocket this duty; and before they decided this question, it might be just as well for them to determine whether these conscientious wine-merchants should not be first allowed to get rid of their stock on hands, and whether, instead of putting this duty into their own tills, it should not find its way into the public Exchequer. He thought it right to suggest to his right hon. friend, whether it would not be better to let this 300,000*l.* go into the public purse, and when those gentlemen had got rid of their stock on hand then to let them obtain relief. The first question was, whether the reduction of taxation had been carried as far as it could at this time? And the second, if it had not, then whether it would be right to carry it further by a direct reduction of the assessed taxes? For the reasons which he had already stated, he was disposed to answer in the negative, to both branches of this question. To those reasons, too, he must add the authority of antiquity;

seeing that the window-tax was one of the most ancient taxes imposed in this country. At the present moment, notwithstanding the immense increase of the population, its produce did not much exceed the amount it yielded before the commencement of the last war; and therefore it could not be presumed to be so burdensome as it had been represented to be. England was that country, indeed, of all Europe, from which the smallest amount of direct taxation was raised, as compared with the amount of its revenue. Under all these circumstances, he should feel it his duty not to lend himself to the support of any further remission of direct taxes, so long as there should be other taxes in force, which bore more directly and more heavily on the industry and the manufactures of the country.

Mr. *T. Wilson* said, he could not repress his astonishment, at the language which had been held by the right hon. gentleman. From that right hon. gentleman, as the avowed friend of free and unshackled trade, and the advocate of that cause against all monopolies, he had never expected to hear such manifest contradiction and inconsistency, as he had that night been guilty of; particularly in remarking on the recent rise in the cost of wines. The fact was, that it was the severe weight of the tax which pressed on that article, that had kept people back, upon small stocks, from purchasing: but on the first prospect of a reduction of the duties, they very naturally came forward, in order to replenish their cellars. The consequence of which was, that, for the moment, the demand exceeded the supply, and hence the price was so excessive. Were the wine-merchants to be spoken of as if this effect had been an arbitrary one with them? Could they make the right hon. gentleman, for example, buy, if he did not like to do so? Really, the right hon. gentleman had applied a most unsound doctrine to this subject. He should reserve his general opinion, as to the sinking fund, until the discussion of the promised motion; and should only observe, that he could not agree that three millions were as good as five for a sinking fund.

Lord *Althorp* said, that we had a sinking fund of five millions, or we had not. If we had no such sinking fund, then all the discussions relative to the policy of maintaining such a fund were all put aside; and there could be no reason why the proposition for its reduction should not be adopted. But, if we had such a fund, it then became a very grave question, whether that proposition would be an advisable one to carry into effect. For his own part, he much approved of all the steps which had been taken for bringing back our revenue to a sound and wholesome system. He must at the same time caution ministers not to persevere, against the wishes of the country, in refusing the further reduction of the assessed taxes, for fear of endangering the safety of that system. He had been much surprised to hear the right hon. gentleman expressing so much indignation against tradesmen for making as much as they could of a sudden improvement in their trade. Such an expression of feeling would have astonished him, coming from any member; but, coming from that right hon. gentleman it was most inexplicable. The hon. member for Wareham had asked the right hon. gentleman whether he meant to leave for ever upon the country the immoderate weight of a debt of 800,000,000*l*. Now, he (lord Althorp), for one, should answer, that he would not be at all afraid of leaving the debt at that amount; so long as the interest and all the annuities charged upon it could be punctually and honestly discharged—although he might be of a very different opinion if the debt itself were of that amount that there was any possibility of buying it up. That, it was evident, was not at present the case. Upon the whole, he should support the two first of the resolutions that night submitted to the House.

Mr. *Huskisson* begged to supply an omission, of which he had been unintentionally guilty. The treaty under which his right hon. friend was bound to continue, for a certain time, a certain duty on port wine, was not, as some gentlemen appeared to suppose, the treaty of 1810; but the much older treaty, commonly called the Methuen treaty, which stipulated, that the wines of Portugal should be admitted into this country, on the payment of a duty, one-third only of that payable on the wines of France. In return for this arrangement, Portugal consented to receive the productions of our woollen trade on favourable terms. This treaty with our ancient ally bore date in 1703. By it it was agreed also, that either party to the contract, at the expiration of every period of fifteen years, might give notice to the other of any revision or alteration that it might desire;

such revision to be arranged and agreed upon between the two governments. The treaty of 1810 had been executed with a view of this kind: and at the end of 1825 it would be competent for either party to propose the introduction of such changes and modifications as its own interests might seem to require. It was very true that honourable gentlemen had with justice complained of the manner in which the wine-trade was carried on in Portugal by a chartered company, created by the crown of Portugal; not, however, recently, but at least sixty years ago. That monopoly, he should have no hesitation in saying, was, as all commercial monopolies, generally speaking, were, injurious even to the welfare of the commerce of Portugal herself. Its establishment arose out of the maladministration of this wine-trade by the English factory, at that time settled at Lisbon: and this treaty proposed to repress any improper encroachments of the company upon the general trade in wine between the two countries, by this periodical facility of revision. It was, perhaps, difficult to say, in what specific manner the relative interests of two independent nations in a trade could be otherwise adjusted. At the close of the present year, however, he should be glad to receive any suggestions, with a view to the improvement of our wine-trade with Portugal. As to what had been called his monstrous proposition about the wine merchants, he had been misunderstood. What he had said on that point, was in strict conformity to what he had said on an occasion, happening while lord Bexley was chancellor of the Exchequer. A reduction of the duty on malt was proposed by the ministers; and he at the same time intimated, that he should allow a remission of duty upon stock in hand; whereupon one of the greatest brewers rose in that House, and said, that the public would not benefit by the reduction of duty, for that the brewers would put the difference into their own pockets. He (Mr. Huskisson) then called on the chancellor of the Exchequer not to allow any such remission in the teeth of such a declaration; when the brewers thought fit to retract, and the public had the benefit of the reduced duty. What, therefore, he had done by malt, he would certainly do by wine.

Mr. *Calcraft* had always understood from the right hon. gentleman, that the demand regulated the supply, and the supply the price of all commodities. But his doctrine of to-night was exactly the reverse of all this. Why, surely no man could say of any article—"I will have this at such a rate." To what purpose, then, were the remarks of the right hon. gentleman on the conduct of the wine-merchants? His own understanding of the Methuen treaty was, that if the wine company of Portugal interfered with the trade subsisting btween England and Portugal, the two states would immediately interfere to remedy the evil. But, what was the fact? This company said one year to the English consumers—you shall have 25,000 pipes: then the next year, you shall have 16,000; the next, 10,000. It was evident then that they regulated the trade at their pleasure.

The *Chancellor of the Exchequer* observed, that the Methuen treaty was certainly retained as an article in the treaty of 1810; but, there was another article in the treaty of 1810, which went, in terms, to preclude Portugal from creating or sanctioning any monopoly, or exclusive company, that should be prejudicial to the interests of the British trade. At that time, the Oporto wine company was in existence, it did not exert its powers and privileges in any such manner, or to such an extent, as to interfere with the British trade. In course of time, however, it undoubtedly did so; and that fact became the subject of a complaint on the part of the British government, to the government of Portugal. The government of Portugal, thinking, probably, that they derived some advantage from such a company, always denied the construction which England put upon the treaty; and long and unsatisfactory discussions were entered into by both the parties on that question. In 1820, a new minister was sent by Portugal to this country, charged to negociate a revision of the terms of this contract. To say the truth, he seemed to know very little about his business, and was soon after recalled. A notice had been given since, to the Portuguese government of our intention to revise and reconsider the treaty of 1810. With a view to that revision, Portugal had already suspended one article of the treaty. Some of the conditions and articles of that treaty were extremely onerous to Portugal; others to this country; but the revision of the whole was, he was happy to say, open to all the contracting parties.

Mr. *Marjoribanks* thought that the gentlemen engaged in the wine trade would act, not only unjustly, but inconsistently with their own interests, if they did not reduce the prices of all their wines after a ratio at least equal to the reduction of duties upon them.

Mr. *Monck* differed from a right hon. gentleman as to his estimate of the great weight of assessed taxes in France. In that country, the amount of direct taxes was, upon property, about 10 per cent, and no more; and for this the payers had value received to a great extent, in paving, lighting, and roads supplied by government, and the very important exception from those turnpike dues, which assailed a man at the end of almost every hundred yards in this country. The heaviest tax which the people of France paid, was a land-tax, amounting to about 4*s*. in the pound, and producing a revenue of 12,000,000*l*. sterling, or one third, nearly, of the whole revenue raised by the French government. One thing was certain, that if the right hon. gentleman would not reduce the assessed taxes of England, the excess of smuggling in this country would soon do it for him. By the returns to this House it appeared, that during the last year one million pounds of tobacco had been run; which, had they been regularly imported, would have paid a duty of about 200,000*l*. The hon. gentleman then contrasted the cost of the preventive service and other establishments for the prevention of smuggling, with the value of goods seized to the Crown; and argued that lighter taxes and lower imposts would produce fewer smugglers and a greater revenue. With respect to the sinking fund, he was friendly to its principle; but, he thought a sinking fund of 3,000,000*l*. would be sufficient; and that would afford an opportunity of further reducing taxes to the amount of 2,000,000*l*. As to the assessed taxes, he hoped the right hon. gentleman would always keep in mind the relief of the working classes, and, with that view, he should be most delighted to find the duty on their beer, instead of being 10*s*. per barrel, only 5*s*. With this impression he should certainly vote for the two first resolutions.

Mr. *C. Calvert* felt it necessary to set the House right with respect to what had fallen from the right hon. gentleman with regard to the reduced duty on malt, during the period when a noble lord, now belonging to another House, was chancellor of the Exchequer. The reduction, of which so much had been said, was no more than 8*s*. a quarter, and on that occasion, he would remind the House, that it was not to be expected the great brewers could lower the price of beer even as much as a halfpenny a pot, and for this reason, that a reduction of a halfpenny per pot would be equal to 21*s*. a quarter. He then foretold that there could be no reduction; nor was there any. The fact was, the great brewers cared nothing about his interference; it had, and would have, no effect on them, though he went about fretting and giving himself great credit for the wonders he had wrought. As to the reduction which soon after took place, it was by no means attributable to that right hon. gentleman's threats, but to a subsequent lowering of the price of grain.

Mr. Alderman *Heygate* feared, from the course adopted by ministers, there was little chance that the country would be relieved from the taxes now sought to be repealed. After adverting to the evils of smuggling, especially as it was much aided by the middling classes of the community, he contended, in reference to the budget of the chancellor of the Exchequer, that the reductions proposed did not relieve the proper persons. Those who wanted aid most were not the rich who drank French wines, nor the poor who drank spirits, but the middle orders, who were obliged to keep up a respectable appearance at an expence which they could ill afford. He gave credit, nevertheless, to ministers, for a sincere desire to benefit the people at large! He firmly believed that the greatest benefit would result to the lower orders if spirituous liquors were made so dear as to be out of their reach; for it was the opinion of the best writers, that nothing tended so much to demoralize a people, as the facility with which they could procure spirits. In voting for the reduction of the house and window tax, he did it under the conviction, that even without it ministers would be able to reduce the expenditure to the limits of the income.

Sir *R. Wilson* noticed the state of the Netherlands, with regard to taxation. Notwithstanding the cheapness of house-rent and provisions, the fiscal regulations there were so vexatious, that the English had abandoned all the principal towns where they had formerly resided. He objected to the house and window tax. because it was inquisitorial, and interfered with the privacy of life.

Sir *W. Ingleby* observed, that, notwithstanding the flattering statement of the chancellor of the Exchequer, he could see no reason to change his opinion of the necessity of a reduction of the house and window duties.

Mr. *Maberly* rose to reply. He said, he was not surprised that ministers considered the sinking fund a tender subject, because they knew it was a mere delusion; he should, however, be glad if the chancellor of the Exchequer and his right hon. friend would settle between them what was its real amount. He had the authority of the chancellor of the Exchequer for saying, that next year he expected it to be 5,500,000*l.* and adding to it the anticipated surplus, there would remain 7,000,000*l.* for the relief of the people from taxation. He contended that the relief would have been much more important, if the chancellor of the Exchequer had reduced the duty on tea and tobacco. At all events the selection of the right hon. gentleman had been injudicious. He admitted that direct taxation was just in principle; and on this account, he preferred a property tax; but from its odious inquisitorial character, he hoped never again to see it adopted. Whatever might be the result of the present motion, he was convinced that the House would at last come to the determination, that the House and Window tax ought to be repealed. The feelings of the people were in favour of its abrogation; and, after the sacrifices they had made, those feelings deserved attention. Should the result of a division be contrary to his hopes, he had the consolation of knowing that the hon. member for Westminster had given notice of a motion of a similar kind, which he trusted would meet with better success.

The House divided: Ayes 64. Noes 111. Majority against the motion 47.

List of the Minority.

Althorp, visc.
Anson, hon. G.
Benett, J.
Bernal, R.
Blake, sir F.
Bright, H.
Burdett, sir F.
Byng, G.
Calvert, C.
Cavendish, C. C.
Cavendish, H. F. C.
Cradock, S.
Davenport, D.
Denison, W. J.
Denman, T.
Duncannon, vis.
East, sir E.
Gordon, R.
Grant, J. P.
Guise, sir B. W.
Gurney, R. H.
Heathcote, sir G.
Heygate, W.
Hobhouse, J. C.
Hornby, E.
Howard, H.
Hume, J.
Hutchinson, hon. C.
Ingilby, sir W.
James, W.
Jervoise, G. P.
Johnstone, W. A.
Lambton, J. G.
Leader, W.
Lester, B.
Lethbridge, sir T.
Leycester, R.
Lloyd, J. M.
Lockhart, J. J.
Maberly, W. L.
Macdonald, J.
Marjoribanks, S.
Manning, W.
Milton, visc.
Monck, T. B.
Palmer, C.
Palmer C. F.
Powlett, hon. W.
Poyntz, W. S.
Ridley, sir M. W.
Robarts, A. W.
Robinson, sir G.
Rowley, sir W.
Taylor, M. A.
Tierney, right hon. G.
Townshend, lord C.
Webb, E.
Whitbread, W. H.
White, S.
Williams, T. P.
Wilson, sir R.
Winnington, sir T.
Wood, M.
Wrottesley, sir J.

TELLERS.

Calcraft, J.
Maberly, J.

HOUSE OF LORDS.

Friday, March 4.

Spring Guns.] Lord *Suffield* rose to move the second reading of his bill for declaring Spring Guns illegal. He said, he would briefly refer to certain cases on this subject, which had been decided in courts of law. As he had already observed, there was no distinct law respecting the employment of spring guns. In most of the cases which had come before the courts, the judges had been guided in their decisions by analogy and inference. From an examination of the cases which have been reported, it would appear, that the setting of spring guns was considered illegal; and secondly, that in those cases in which the setting of those weapons had been supposed to be legal, their use had been regarded as contrary to humanity, and those principles of moral justice on which all law ought to be founded. The noble lord then cited the case of Beer *v.* lord Cawdor's gamekeeper, and several other cases, in which lord Ellenborough had held, that persons were not justifiable in inflicting, by the means of such weapons, the penalty of death, unless the individual who might expose himself to the hazard of destruction was in the act of committing a capital felony. He also mentioned the case of a boy, who though guilty of a trespass in cutting a stick from a hedge, got 160*l.* damages for being wounded by a spring-gun. A man was tried some years ago at the Old Bailey, for shooting another who personated a ghost. The jury wished to bring in a verdict of manslaughter, but the judge refused it, and told them it must either be "murder," or "not guilty," as

the personating a ghost was not a felony. In a case in which damages were recovered for the loss of a dog, which, in pursuing a hare, had run upon spears so placed that a hare could pass under them, the judge held, that damages must be given on the same principle as if the defendant had speared the dog with his own hand; because, the law did not permit a man to do that indirectly which he might not do directly. In a late case, the chief-justice, and other judges of the court of King's-bench had held, that a defendant was not liable to damages because it was proved that the plaintiff who had been injured was aware of spring guns being set in the grounds into which he voluntarily went; but the judges came to this decision with reluctance. The only ground on which he had heard the practice of setting spring guns defended, was the advantage of collecting a great quantity of game; but, a great quantity of game was collected solely for the purpose of committing an extensive and unnatural slaughter. The only inducement, then, which a landed proprietor had to place murderous engines in woods was, that he or his friends might have two or three days' shooting. For this object, innocent persons as well as poachers were exposed to death. It appeared from a review of the law reports, that the only case in favour of spring guns was one in which it had been proved, that the person injured had received notice of their being set. In this case, however, the law was at variance with itself; for this decision of the judges was contrary to others, in which they had held, that a man could not do indirectly that which the law did not allow him to do directly. The defendant in this case certainly could not have legally put the gun to his shoulder, and fired it at the plaintiff; though it must be confessed, that in this way the latter would have had a great number of chances for his life, as the former, while his finger was at the trigger, might still relent, but a spring gun was sure to execute the purpose for which it was set, on any one who might come in its way. Two very melancholy accidents occasioned by the use of spring guns had come to his knowledge. These, however, he forbore to state; one in accordance with his own feelings, and the other because a member of the other House, who represented a county, had requested that he would not mention it. These guns, it was said, were meant to be employed only against poachers. He, however, thought it extremely cruel that they should be used in that way; but, if it were humane and just to use them in that way, it would be impossible to confine their action to poachers only. A notice, it was said, might be seen. In the day-time it could, but not at night. And, might not a man travelling along a road go over a hedge without any criminal design? A gentleman had told him, that while riding on the north road, in a snow storm, his hat was nearly blown off; he put up his hand to save it, and at the same time observed a notice of spring-guns and man-traps. If his hat had been blown off, he must either have left it in the wood, or run the risk of being shot, by seeking it in the wood. It was always acknowledged, that it was better that culprits should escape, than that the innocent should suffer; but, with respect to spring-guns, the maxim was reversed, for the innocent were the victims, and the poachers escaped. He had appealed to humanity against this sacrifice of the lives of men; but he believed there were persons who disliked to hear of humanity, except in reference to animals. Others even pretended that they set spring guns on a principle of humanity, and that by doing so great mischief was prevented. He was, however, willing that their lordships and the public should be informed, that he was so barbarous a wretch as to wish to put an end to this humane practice. In some cases, notices of spring-guns were put up where there were none; but this only increased the evil, for persons were left in doubt as to the existence of the guns. This cry of "wolf" where there was no wolf, only tended to lead persons into danger. It was therefore thought necessary by some persons to give a particular assurance that spring-guns were set; and he had lately seen a notice to this effect, "Spring-guns set here. N. B. This is no joke." The setting of spring-guns had been defended by some, on the ground of necessity, because it was said, that without them game could not be preserved; but, he would rather deny the necessity of preserving the game, than admit that of the spring-guns. It was certain, however, that game could be preserved, and was preserved in many parts of the country, without the assistance of spring-guns. Since he came into the House that evening, he had been informed, that some persons were in the habit of setting spring-guns for the preservation of

their lives and property. He did not approve of such a practice; but, as he was only opposing the use of spring-guns for the preservation of game, if any noble lord would frame a clause to except spring-guns used for the purpose which had been described to him, he should have no objection to the insertion of that clause in the committee.

The bill was read a second time.

HOUSE OF COMMONS.

Friday, March 4.

Army Estimates.] The House having resolved itself into a committee of supply,

Lord *Palmerston* rose to bring forward the Army Estimates for the year. In rising to state to the House the nature of the supply at present demanded, he said, he should begin by pointing out the difference between the items of the last and those of the present year. The total increase of force for the year 1825 was 8,923 rank and file, exclusive of officers, at a charge of 229,684*l.* At the head of the estimate, title "land forces," the addition seemed to be 11,920 rank and file; but this was counterbalanced by several reductions which he would presently state. Upon the item of "staff," there was no material alteration—a small sum of 828*l.*, merely, arising from the transfer to that department of some new expenses, in the public departments there was an increase of 1,880*l.* The House would probably be aware, that the duty of examining the accounts of all the regiments of Ireland, and also of all accounts connected with the militia, had been transferred from the audit to which they originally belonged. It would be easily conceived, that this transfer had occasioned a considerable increase of business in the office to which it had come. He had endeavoured to provide for it by internal arrangements, and hoped still to be able to do so; but business of that description involved a great deal more labour when it first came into new hands, than it would do afterwards. In the article of medicines there was an increase of 1,078*l.*; in the volunteer corps, a decrease of 6,038*l.*; in the recruiting troops and companies of regiments in India, an increase of 7,080*l.* The next item was the Military College; upon this there was an increase of 1,768*l.* in the vote, but there was a considerable diminution in point of actual charge. The estimate as to the Military College was prepared thus:—on the one hand, the whole amount of expense was stated; and on the other, the probable amount of debts to be received: the one item was then deducted from the other, and the difference formed the estimate. It so happened, that in the present year there was a diminution of 11,000*l.* in the expense; but the expected amount of subscription from the cadets had diminished in a still greater degree. On the army pay of general officers there was a diminution of 17,647*l.* The garrisons were nearly the same as last year. The full pay for retired officers was diminished by casualties 3,442*l.* The half pay in the same way, 38,844*l.* Foreign half pay was less than last year by 1,550*l.* In-pensioners of Chelsea and Kilmainham Hospitals, 427*l.*—a small difference, arising chiefly in the price of provisions. On the out-pensioners of Chelsea Hospital, there was an increase of 21,495*l.* On the military Asylum, 970*l.* The widows' pensions had increased 4,118*l*; the compassionate list, bounty warrants, and pensions for wounds, were nearly the same as in the last year; the superannuation had increased, within a trifle, 2,800*l.* and, on the veteran battalions, as they were to be reduced, there was a saving of 73,538*l.*—It now became necessary for him to explain the grounds upon which this increase of force was asked: and next, the manner in which it was proposed to be effected. Upon the first point, he had, at least, this advantage—it could not now be urged by the advocates of reduction, that the additional military force demanded was wanted to terrify or coerce the country. In England, he saw nothing but prosperity, and confidence between the government and the people; and, even in the less favoured region of Ireland, there appeared rays of brighter omen than parliament had been accustomed to. In dropping this observation, he by no means alluded to the vote which had passed the House a few nights since. He trusted that that vote had already gone forth through the empire, as a harbinger of peace; and believed that its principle, if carried into full effect, would do more than thousands of soldiers could ever do to maintain tranquillity in Ireland: but, in what he now said, he meant to point merely at those symptoms which had been apparent when the estimates were made; and the general improvements which had taken place in the state of Ireland justified him in saying, that there was nothing in the aspect of that

country, which ought to weigh in favour of extending our military force. The grounds, indeed, upon which this increase of military establishment was meditated were purely external. It might be a fair question of speculation, perhaps, how far it was for the benefit of a country to possess colonies—whether it was better that she should confine herself to commerce and improvement at home, or form settlements abroad; but there could be no doubt as to the course which ought to be pursued by a country, having already in its possession such colonies as belonged to England. As far as civilization extended in the world—from the most northern point in America, to the southernmost extremity of Asia—the formation of British settlements, and the accumulation of British wealth, was to be found. To abandon possessions gained at the cost of so much blood and treasure—many of them important outposts for the protection of our commerce, and the security of our dominion—would be a violation of public faith, and a forfeiture of national honour. In estimating the amount of force necessary for the service of our colonies at present, it was impossible to be guided by the force which had been sufficient for us in any former period of peace. It was not only requisite that adequate garrisons should be provided for every station, but it was also necessary, that we should have a surplus force, in order that we might have the means of sending reinforcements, from time to time, to places at which they might be called for. In the present state of our army this could not be done. It was almost impossible, with such means, to furnish strength for the ordinary duties. But reinforcing any where could only be accomplished by abstracting the troops wanted from the garrison of some other place; and, on a recent occasion, when the East-India Company had been compelled to desire a reinforcement of 5,000 men, there had been no means at all of complying with that demand, but by stopping five regiments which were under orders for England, and which had already been on foreign service more than twenty years. And this fact led him to another consideration, which was, that the colonial service of a country like England ought not to be converted into a perpetual banishment for all who were employed in it. When a man entered the army, he devoted his health, his hopes, his prospects, to the service of his country. The feeling which carried him forward was one of a paramount description: it rendered him superior to all considerations of fortune, of personal convenience, of death. But, the case was widely different, when, after going through the dangers and fatigues of a twenty years' war, the same man was sent to consume the rest of his days in a pestilential climate, and on a duty which was unpleasing to him. It was hard to tell brave officers who had fought through field after field, in a protracted contest, and whose names would be found in every legend which recorded the victories of England—it was hard to tell such men, that they must be doomed, now their country was at peace, to end their lives in some remote colony, compared to the service in which, their former perils formed an enviable condition. He was quite sure the House would go along with him upon this subject. The service of these obscure and distant stations was ten times more trying, both to the mind and the bodily strength of an officer, than the severest labours which could be imposed upon him in a European campaign. There was the climate wasting his life and strength; the mere formal duties, with our existing establishment, extremely harassing and constant; and, what was still more galling, there was not the smallest hope of acquiring distinction. He did trust that the House would feel, that this was a state of things which ought not to continue; and that, while it was but their duty to place at the disposal of government the means of properly defending our colonies, they ought also, for the sake of our brave soldiers, to furnish the means of relieving our foreign garrisons at a proper time, and, what was scarcely less important, at a proper season always of the year.—Assuming, therefore, that such obligations as these did exist, he would next proceed to the question, how the necessary increase of force was to be raised? There were three modes of doing the thing. First, it was possible to add a certain number of rank and file to the existing establishment of each regiment. Secondly, new regiments might be raised, of the same calibre as those already existing. Lastly (and this was the course proposed to be adopted), new companies—not merely fresh rank and file—might be added to the regiments already existing. Now, the first plan would have been the cheapest, because there would have been no increase of officers above the rank of sub-

alterns. But the objection was this—the country would not then have obtained at home such a disposable reserve as was necessary to make proper arrangements for relief. The second plan would have been free from this objection as to relief; but then it would have been too expensive, from the great cost of staff appointments and regimental allowances. The last plan combined the advantages of cheapness, with the production of a disposable force; and he would shortly describe the detail by which it was to be carried into execution. The army was formed at present of battalions of eight companies: the strength of each battalion being 576 rank and file. It was now intended to add two companies, so making each battalion consist of ten; and these ten companies were to be divided into two distinct classes of force. Six companies were to form what would be the service battalion, and these would consist of 86 men each; the other four companies would be the battalion of reserve, or of dépôt, and would amount only to 224 men altogether. Thus, when the regiment was at home, the whole would be considered as one battalion, and quartered together; but when it was ordered on service, only the six strong companies would go abroad; the other four remaining at home to recruit, and to provide for casualties. In this way, the garrisons abroad would be made more effective than they were at present; because there was necessarily a heavy delay, under the existing system, after any casualty occurred, before reinforcements could be sent out. Troops had, at present, whatever the emergency was, to be raised and disciplined. This occupied a long time; and, before one casualty was provided for, another had occurred. But, the reserve companies would afford a fund, always ready in case of necessity, from which draughts could be made, subject to none of the delays which hampered us under the existing arrangement. This alteration would also materially assist the business of relief. At present, when an officer abroad was sent home by a medical certificate, the commander-in-chief could only grant him a limited leave of absence, because his duty pressed hard, in the mean time, on those who were left behind him. But, under the proposed system, nothing could be more easy than to station an officer so situated at once with the dépôt battalion; and to send out in his place some other individual, better able to support the climate or the service. Here would be a great advantage gained to officers; for they would not be compelled, as now, on sudden emergencies, to exchange to half-pay; and the soldiers, too, who were invalided from foreign service, and were now discharged altogether on their arrival in England, might, many of them, become perfectly effective at the dépôt for home duties, and the training of recruits. Upon the whole, it was his clear opinion, that an increase of military establishment upon the principle now proposed, would not only be useful as assuring all convenience to the country during peace, but become a valuable frame to hang a larger force upon in case of war.—He now came to the subject of the Veteran Battalions—a force which it was intended to disband altogether. It was one of the conditions upon which pensions were granted to soldiers, that they should be forthcoming always for garrison or veteran battalions, whenever the Crown thought fit to call upon them. When the veteran battalions now embodied had been called out in the year 1821, nobody had supposed that the necessity for keeping them together could have been of long continuance. It was now between three and four years that these men had been embodied; and the House would probably think that government had entertained a proper feeling upon the subject, when he declared that it was determined to disband them. The doing this was, of course, to be considered not as a matter of regret, but as an act of grace: but it was thought right, after so many years of service, to let them retire to their homes, to enjoy in peace the moderate pensions which the justice and the gratitude of their country had afforded them. If it should be found necessary again to assemble them in arms, the present indulgence would not lessen their alacrity to obey the call. The grounds, then, on which the present increase was called for, was the service of the colonies; and he begged distinctly, that it might not be supposed, that in seeking such an addition to its military strength, government had the least reason to apprehend a breach of those friendly relations which subsisted between England and other powers. It would be obvious, indeed, that with any view to war, such an increase as that proposed must be entirely inadequate; but, at the same time, the House would be aware, that the success of this country in

war, and her policy in peace, had given her a commanding influence among the nations of the world, which no other country at any time, perhaps, had ever possessed. This influence it was the duty of England, as well as her policy, to use for the advantage of mankind; but it was an influence which she never could maintain, unless foreign powers saw that every part of her dominion was adequately defended. For these reasons, he should move, "That a number of Land-forces not exceeding 86,893 men (exclusive of the men belonging to the regiments employed in the territorial possessions of the East India Company), commissioned and non-commissioned officers included, be maintained for the service of the United Kingdom, from 25th Dec. 1824, to 24th Dec. 1825."

Colonel *Davies* said, that if he could take the case to be precisely as the noble lord had described it, he certainly should refuse to vote the increase of force which was demanded; but, as he believed that there was in our foreign relations abundance to call for such a measure, he found himself reluctantly compelled to give his assent to it. The hon. member then adverted to the unnecessary quarrel into which England had been forced with the Burmese. It was clear, from the despatches, that the war might have been avoided, by the slightest portion of management; and the ground of dispute had been an island, not worth the first charge of powder which would be fired in defence of it. With respect to the troops in our colonies, he agreed that they ought to be relieved as often as circumstances would admit; but his complaint was, that the force kept up in those colonies was needlessly large. He deprecated the mode in which the proposed increase was to be effected; and insisted, that battalions of six companies were not adapted to manœuvre in the field.

Mr. *Hobhouse* objected to the granting so large an additional force at such a time of peace, without having a full explanation of the principle on which it was demanded. He did not care about the details of the manner in which, when raised, they were to be divided. It was to the principle that he objected. It would appear that few cared about the details; for there were now not a hundred members present on an occasion when the House was called upon to grant so large an addition to our standing army. He had heard, that the increase was without reference to the situation of any of the European powers; and he was sorry that that consideration should have been overlooked, at a time when the country of one of our allies was held in military possession by another. European power. Was the House to receive no information on this point? For his own part, he thought that such information was so necessary, that he would not vote a single man in addition to our present force, until he received some satisfactory explanation on this point. He wished to know, whether the proposed increase had any reference to the possession of Spain by the armies of France; and whether the present was to be considered as the last augmentation of our peace establishment? With respect to the augmentation of our forces in India, he would admit that, however the present contest there had arisen, whether we were right or wrong, it was necessary that our military operations there should be pushed with vigour. If 25,000 men were not sufficient for that purpose, he would consent to an increase. But he could not sanction such a large establishment at home.

Sir *R. Wilson* admitted, that every item which increased the expenditure of the country should be closely examined, and particularly when it had reference to the increase of our standing army. That army he looked upon in general as an excrescence forced upon us by foreign pressure, and not the natural growth of the British constitution. However, looking at the situation in which we stood in relation to the powers of Europe—looking at what was passing in Europe, and at the results which might, at no distant day, follow from the present posture of affairs, he was of opinion, that the increased force now demanded was not more than circumstances required. He was glad to find that the situation of Ireland did not call for any part of the proposed increase; and he hoped that the time was not far distant when that country, administered by equal laws, would have no need of any armed force to secure its tranquillity. But, there were other parts of the British dependencies to which an increase of an armed force might be very properly applied. He had had an opportunity some time ago of witnessing the state of the garrison at Gibraltar; and, though it was kept up with order and discipline, it was altogether insufficient, in point

of numerical strength, for the protection of the place. This he conceived was a risk which ought not to be hazarded. Was it possible that we could permit the occupation of Spain by the French troops? Was it possible that we should suffer our ally Portugal to be menaced, for its disposition to adopt a constitutional form of government? We had recently taken an important step, which must lead to the speedy recognition of the South American states. Recent news had informed us, that the genius of Bolivar, aided by the bravery of his troops, had succeeded in putting an end to the power of Spain in South America. The steps to which this would lead would cause great heart-burnings in particular quarters. Exigencies would arise which we ought to be prepared to meet. He would therefore give his vote for the augmentation of the army.

Mr. Secretary *Peel* said, it was unfair to infer from the thin state of the House, that the absent members were neglectful of their duty. The fair inference was, that they were fully sensible of the reasonableness of the vote, and that it would not be opposed in that way which might require their personal attendance. From the speech of the gallant general who spoke last, it was evident that an increase of force was required. The gallant general had borne fair and honourable testimony, as a military man and a man of honour, to the situation of the garrison of Gibraltar, and had stated his opinion, that it would not be for the interest of the army that it should continue in its present inefficient state. When the House heard, from such a competent judge, that this was the situation of the only garrison which he had visited, it was fair to assume, that similar defects existed in our other foreign possessions, and that an increase was required in most of them.

Mr. *Calcraft* said, that, looking at the situation in which we stood, he thought that government ought to be put in possession of an effectual disposable force. And he therefore fully concurred in the vote.

Mr. *Bernal* believed there were circumstances in the state of the world, which justified the proposed augmentation. He was happy in bearing testimony to the commander-in-chief's great attention to the health and comfort of the soldiers in the West Indies.

Mr. *Hutchinson* said, that when he saw the country burthened with upwards of 800 millions of debt, and petitions pouring in for a reduction of our expenditure, he could not vote for the addition of a single soldier on the ground of a confidence in ministers. He therefore opposed the resolution, and for nearly the same reasons on which his gallant friend had supported it. He was unwilling to cramp the energies of our army; but he could not consent to an augmentation of our armed force, unless a case of absolute necessity were made out. If ministers had called for the increase, for the purpose of opposing the Holy Alliance, he would most willingly vote away the last shilling of the country. But, no such object was avowed; and he saw no necessity for the augmentation, in any other point of view.

Sir *A. Hope* supported the motion, and defended the plan proposed for the future regulation of the troops to be sent to the colonies.

General *Gascoyne* thought that a better mode of relieving regiments upon foreign service might be devised, than that of relieving them by companies.

Mr. *M. Fitzgerald* approved of the proposed augmentation, to the army, and would leave the details of it with perfect confidence to the Secretary at War. He had understood from several military officers, that many of our stations were very inadequately garrisoned. That was a state of things which ought not to continue. Though we were now at peace, our fortresses should be prepared for war. So far was he from considering the present an unconstitutional augmentation of the army, that he had regretted many of the reductions which had taken place.

Lord *Palmerston* wished to explain a misconception which seemed to prevail as to reliefs. His gallant friend seemed to think, that the system of relief by regiments was abandoned, and that the only relief was to be by the interchange of the officers of the same regiment. This was by no means the case. The regimental exchanges would be carried on as at present, with the addition of these dépôt companies, which would set the members of each regiment sooner at large. The gallant officer would see, that it would relieve individuals much sooner than the system which was now in vogue.

Sir *R. Wilson* begged to ask, whether there would be any objection to follow the same system towards wounded which was now followed towards half-pay offi-

cers; by paying them their allowances quarterly, instead of half-yearly.

Lord *Palmerston* could not say, that there was any objection to the gallant general's suggestion. The matter, however, did not fall under his department.

Sir *C. Long* said, that, if no difficulty was urged against the change in the Pay-office, there would be no hesitation in acceding to it on his part.

Mr. *John Smith* wished to draw the attention of the committee to the situation of officers who had received wounds in the service. If they had lost a limb, or received wounds which were considered equivalent to loss of limb, they received a pension proportionate to their rank. Not one word was said in the grant, that it was merely to continue during his majesty's pleasure; and the consequence was, that it was generally understood to continue during life. Now, to his knowledge, several persons who had received severe wounds, had been deprived of such pensions, after receiving them for a considerable time, and had been reduced by such deprivation to a state of great distress. He put it to the committee, whether individuals who had received pensions without any limitation of the time of their continuance, should not be entitled to hold them for life.

Lord *Palmerston* said, he had formerly been condemned for the extreme liberality with which these pensions had been administered; and the hon. member for Aberdeen had considered him so prodigal of them, as to say that he would not be satisfied unless they were taken from him. The hon. member for Midhurst, however, was of opinion, that he had been too parsimonious in disposing of them. He left the committee to decide between the two hon. members, and would merely state, that, in granting those pensions, he had always sought to do impartial justice between the public and the officers on whom they were bestowed. The cases in which pensions had been discontinued were but few; and there was not one of them, which had been discontinued, until the army medical board had reported, that the injuries for which the pension had been granted, had ceased to operate to the disadvantage of the individual. If the hon. member would bring any case to him, in which he thought injustice had been committed, by discontinuing the pension, he would examine it impartially, and if injustice were proved, would remedy it.

Mr. *Tremayne* contended, that the House was losing sight of the principles laid down by the committee of finance in 1821, and complained that no evidence had been offered to prove the necessity of this increase to the army. He wished to know whether any alteration had been made in the system of causing wounded officers to repair to town for examination by the medical board, when there were doubts as to the propriety of continuing their pensions? He asked this question, because an officer, who had a wound open, had been brought up to town for examination, at the expense of one half of his yearly pension.

Lord *Palmerston* replied, that, in particular cases, officers were sometimes examined, by surgeons in the country; but stated, that it would be impossible to lay down any general rule upon the subject.

The several resolutions were then agreed to.

HOUSE OF LORDS.

Monday, March 7.

Roman Catholic Claims.] The Bishop of *Exeter* presented a petition from the clergy of the diocese of Exeter, against the Roman Catholic Claims. The petition strongly censured the violent language used by the Catholic Association, and deprecated the repeal of laws which formed the security of the church and state.

Lord *King* observed, that their lordships had now before them one more petition from the clergy, against granting the enjoyment of civil rights to their fellow-countrymen, to the Roman Catholics. How far these reverend gentlemen ought thus to meddle with politics he should not now discuss; but they always appeared eager to take part in them. He was informed that there was a city which had a right reverend mayor, and in which there were very reverend aldermen and well-beneficed burgesses. As these reverend gentlemen bestirred themselves so much to find fault where they had no business, he thought it would be but right to bring them back from where they had gone to where they ought to be.

The Bishop of *Exeter* did not understand on what ground it was pretended that the clergy should not be allowed the right of petitioning, as well as any other class of his majesty's subjects. Why

should they not be allowed to approach that House, when they addressed it in modest and humble petitions? With respect to the clergymen to whom the noble lord had alluded, as holding magisterial offices, that was a circumstance which nobody more regretted than he did. Such cases did exist in his diocese; but it was not in his power to prevent them.

The Earl of *Darnley* said, it was remarkable, that no petition had been presented in favour of the bill except such as had come from the clergy; but he would seriously advise those reverend persons to consider well, whether at the present moment there was greater danger from granting than withholding the Catholic claims. He wished they would read what Mr. Burke, the highest authority on this subject, had said. They would then see that it was now too late to oppose the religious liberty of the Catholics. Here the noble lord read a passage from Mr. Burke, showing, that the Roman Catholics already possessed religious liberty, and that the only remaining question was one of civil and political rights.

The Bishop of *Exeter* said, that a noble lord had quoted a passage from Burke. He would, in return, recommend the noble lord to read the last words of lord Russell. He was sorry he had not brought them down in his pocket.*

Ordered to lie on the table.

SPRING-GUNS.] Lord Suffield moved the order of the day for the Committee on the bill to make the setting of Spring-Guns for the protection of Game illegal.

The Duke of *Wellington* thought the principle on which the bill was brought in, if rightly followed up, would apply to enclosures of all descriptions. If spring-guns were not to be employed for the preservation of game, he could not see why they should be allowed to be set for the protection of roses and apples. He would object to the bill, unless it was extended to all other property as well as to game. With regard to accidents by spring-guns, he believed very few occurred; and, from all he had heard and observed on the subject, he was inclined to think, that the two cases alluded to the other day by the noble lord who introduced this bill, were the only cases of the kind which could be adduced. The effect of setting spring-guns had been the prevention of poaching, and not the endangering of human life.

Lord *Suffield* reminded their lordships, that he had already signified that he had no objection to the introduction of a clause to allow the setting of spring-guns for the protection of property, which it would be felony to invade; but as no such an amendment could be made, except in the committee, he thought it hard that the motion for going into the committee should be opposed. With regard to the number of accidents occasioned by spring-guns, he could assure the noble duke that he was labouring under a great mistake, when he supposed them to be few. He had alluded only to two cases, because they were more immediately within his recollection. One of them in particular was strongly impressed upon his mind by the horror of the circumstances. If this objection continued to be pressed against the bill, he should feel himself called upon to go into details, the recital of which, however, he wished to be spared. As to the principle laid down by the noble duke, he entirely concurred with it. He saw no more reason for protecting cabbages by spring-guns than pheasants. He respected pheasants as well as cabbages, and wished to see them placed on an equal footing.

The Earl of *Liverpool* concurred in the principle laid down by his noble friend, that in consistency the bill should apply to other property as well as game. He was himself for carrying that principle to its fullest extent. That a man should be allowed to buy a trap to shoot another, in a case in which he could not directly shoot him, was something extremely preposterous. There was another circumstance in which the state of the law was extremely absurd. If a man went into a garden, and took away a basket full of fruit, he was guilty of felony; but if he went over a wall, and took the fruit from the trees, he was then only guilty of a trespass. Now, there was a great number of fruit-gardens in the neighbourhood of London which would be exposed to depredation, if it were not for the terror of spring-guns. The state of the law re-

* "I wish all sincere Protestants may love one another, and not make way for Popery by their animosities. I pray God continue the Protestant religion amongst them, that it may flourish so long as the Sun and Moon endure." Howell's State Trials, Vol. ix. p. 683.

specting trespassing on enclosed grounds ought to be amended.

The Earl of *Westmorland* was for the bill, and would carry the principle to the fullest extent. He would not only exclude spring-guns from enclosed grounds, but even from locked-up places; because innocent persons, attempting to enter in consequence of the key being lost, or from any other cause, might meet with serious accidents. It was not fit that any person living under a well-regulated government, should have the power of setting an engine for the destruction of human life. If the principle of the bill were made to apply generally, it should have his fullest support.

Lord *Ellenborough* said, that if the alteration proposed by the noble duke was carried into effect, nobody in the neighbourhood of London would be able to preserve any fruit. The fear of spring-guns, where they were not actually set, but where a board stated them to be, prevented depredations. But this bill, if carried to the length proposed, would take away the fear. There was a great difference between going into open grounds, and climbing over a wall or entering a hot-house.

The *Lord Chancellor* acknowledged the inconsistency and uncertainty of the law with respect to spring-guns. On every occasion on which any question on this subject had come before the courts, the judges, he believed, had been about equally divided. To those who considered the state of the law on this and some other subjects, that maxim which declared it to be "the perfection of human reason" appeared absurd. It certainly was not the perfection of human reason which made it only trespass to take from a tree a pear, and which made the taking the same pear, when separated from the tree, felony. It was his wish, that property should be protected; but he should be sorry to be thought the advocate for spring-guns. There had been no occasion for those engines in former times; but now, when every plantation was turned into a poultry-yard, protection of this kind was thought necessary. A sportsman was now thought nothing of, unless he could kill his thousand birds a-day. But, such a thing had never been heard of in the days of his youth. There were no pheasants in those days, or at least very few, in that part of the country from which he came: some were kept for show, and some were to be found at the seat of the ancestor of the present lord Ravensworth. Now that so many plantations had been made, and so well stocked with pheasants, how could their lordships expect that people who had a taste for game—and he never knew an Englishman who had not—would not go and look for it where it was to be found?—Poaching was the consequence of game being preserved and protected. He, for one, never could defend the practice of setting engines to endanger the life of a fellow-creature for the sake of a partridge or a pheasant.

The Earl of *Lauderdale* said, that his noble and learned friend had touched the true source of all the evils. There was no greater grievance under which the people of this country laboured than the game laws. There was no example of such another system of laws in any other country. The noble and learned lord had said that, in former times, he had never heard of the preservation of game. Whether of modern or ancient date, it was one of the greatest grievances under which the people of this country suffered. The game laws had filled our gaols with criminals; increased the number of crimes; and added to their atrocity. The state had created a new species of property to the amount of 800,000,000*l*., and all those who enjoyed this species of property, were deprived of the right of doing as every Englishman was fond of doing. No owner of this species of property had a right to kill a head of game. In proportion as our debt had increased, so had the temptation to procure game unlawfully increased; and, in the same proportion, had the law been strained to prevent it. The game laws was an evil preying on the vitals of the poorer classes of the people; and if his noble and learned friend could contrive some means of remedying it, he would confer an essential service on the country.

The Earl of *Carnarvon* said, he was for legalizing the sale of game, and thought, if the country gentlemen gave up their strong hold on that point, they would relieve themselves from a great deal of obloquy to which they were at present exposed. It would be beneficial to the country to have a law enacted on the subject, which was really meant to be executed. Such he hoped the law would be which was coming from the other House. It ought to be made a law really capable of defending game.

The Earl of *Limerick* was in favour of

an alteration of the game laws, but was surprised to hear what had fallen from the noble earl, when he recollected what had formerly passed in that House, relative to the sale of game.

The Earl of *Carnarvon* explained, that on that occasion he had had on his side the vote of the learned lord on the wool-sack, who was, like himself, of opinion, that if the seller was to be held criminal, the purchaser ought to be made equally criminal.

The Earl of *Darnley*, alluding to the subject of spring-guns, threw out as a suggestion, that the legality of setting them should be confined to walled grounds.

The Earl of *Falmouth* said, that the ground of the opposition to the bill which had been alluded to was, that noble lords who lived at a distance from their estates, wished to have the opportunity of purchasing game.

The Earl of *Limerick* said, that the real ground was, a dislike that the same punishment should apply to the rich as well as to the poor. The punishment of the pillory was then in existence, and to that punishment the purchaser might have been liable as well as the seller.

Earl *Grosvenor*, from what had passed, and especially what had been said by the noble lord on the wool-sack, was inclined to hope that the bill coming from the other House, on the sale of game, would experience a better reception than the bill of last year. The property of the gardeners in the neighbourhood of the metropolis ought to be protected, because the fruit which they reared was all the property of those poor people. The case was very different with respect to hares and partridges. He would support the bill.

The *Lord Chancellor* said, that with regard to extending the principle of the bill to enclosed grounds, a great deal of difficulty arose from the distinction which the law made between trespass and theft; between the act of pulling a tree out of the ground, and taking away a tree which had been previously pulled. A similar distinction was made with respect to the rivers in which salmon were caught. The law had decided, that as salmon were feræ naturæ, the taking them out of the river was only a trespass. He remembered a case of a man who had been prosecuted for stealing salmon out of a river, and acquitted by the jury, on the ground that his offence only amounted to a trespass. A person, however, caught a salmon, and marked it by inserting a twig through its snout. This salmon was put into the river, and being stolen by the same man, he was tried and found guilty, because the salmon was no longer feræ naturæ, but property. The man, if then living, was in Botany Bay, expiating his offence.

Lord *Suffield* said, that as it seemed to be the general sense of the House, that the clauses of the bill should be considered in a committee, he moved that it be committed pro formâ.

The House accordingly resolved itself into a committee. The chairman reported progress, and asked leave to sit again on Monday.

Unlawful Societies in Ireland Bill.] On the order of the day for the third reading of this bill,

Lord *Ellenborough* said, he was by no means an advocate for the continuance of the Catholic Association; but, at the same time, he did not wish that it should be put down by a measure imposing new restrictions on the liberty of the subject. He said this, not because the Association had heretofore done harm, but because their future conduct might be calculated to prejudice their cause; and therefore he hoped it would dissolve itself. He felt no regret that it had existed. On the contrary, he considered it matter of congratulation. It had made both Catholics and Protestants think seriously of the evils arising from the existing laws: and it had produced a stronger disposition in the minds of both parties to make mutual sacrifices of their prejudices in order to set their differences at rest, for the attainment of a great national advantage. It was said, that the Association attributed the present tranquillity of Ireland to their exertions. Undoubtedly, they had done some good; but, whatever might have been the effect of their conduct, he considered them as most harshly dealt with. In the first place, they had been condemned unheard. It was said, that they had perverted the course of justice. Was there any proof of that? Certain magistrates might feel themselves uneasy under the eye of a Catholic barrister; and a certain class of persons might entertain strong fears of being prosecuted; but these were not reasons for putting down the Association. He was satisfied that some practical benefit had arisen from

the feeling which it imparted to the poorest man in the country, and whatever injuries he might sustain, there existed for him the legal means of protection. He did not see why it was to be inferred, because they had used their power in doing good, that they therefore meant to misapply it by doing evil. He thought that the expectation of a great benefit now held out to them by the other House of parliament, might have the effect of dissolving the Association; but, if that measure had not passed, he could not have expected it. It had been said that the Catholics, when they obtained what they asked for, would then ask for more. In reply to this he would say, that he should never dread the Catholics, while they asked for what it would be unjust to give them. What he dreaded was, that they should continue to ask, and their lordships to refuse, those rights which it was unjust to keep from them. It was impossible to disprove the fact, that the more Ireland was improved, and the better the condition of the Catholics became in other respects, the deeper would be their dissatisfaction at the continuation of those laws by which they were at present oppressed. There were two measures in particular, which would be productive of the greatest advantage to the country; one of them was a provision for the Catholic clergy, and the other an alteration in the qualification of freeholders; yet no man in his senses would venture to propose those measures while the present laws existed. He trusted that the Association would be induced, by the hopes which were now held out to the Catholics, to pronounce its own dissolution. He trusted that those hopes would not be again disappointed; and that the noble earl would pause before he told six-millions of people, who were now closely united for a just purpose, that their eternal portion was despair.

Lord *Calthorpe* contended, that the House had disqualified itself, by its past conduct towards the Catholics, from inflicting a measure of this description upon them. There were some of the acts of the Association of which he did not approve; but, even supposing the wish to annihilate it to have been produced by its own conduct, he thought there was much less danger to be apprehended from the conduct of the Association than from parliament continuing to act towards the Catholics in that spirit which had given rise to that Association. He preferred soothing and conciliatory measures to those which were in their operation vexatious and oppressive. None of the noble lords opposite could hold the Catholic religion, as a system of faith, in stronger dislike than he did; but all the arguments by which their claims were opposed were grounded on the assumption, that the Catholic religion was now, and would be in future, what it had been in those times when it was filled with slavish doctrines and prejudices, which were fostered by the corruption and ignorance of the age. He would certainly object to Catholic priests having seats in either House of parliament; but he was convinced that the best antidote that could be administered to the injurious effects of the tenets of that faith, would be to grant the laity an equal participation in the honours and the privileges of the Constitution. He thought that the recent proceedings in parliament against the Catholics afforded them just ground of increased dissatisfaction and irritation, and that the liberal policy lately adopted by the legislature in other respects was calculated to throw a darker shade upon the system pursued towards them. Their lordships had been instrumental, more than once, in intercepting measures of grace towards the Catholics in their progress towards the throne. In so doing, had their lordships been influenced by the conduct of the Catholics? If they had, surely the unequivocal testimony which had been borne to the good conduct of the English Catholics ought to have operated in their favour. It seemed that their conduct was only to be regarded when it furnished an argument against them; but, when it was unobjectionable, it was overlooked. He trusted that noble lords would not support a measure like this, because they had formerly supported measures which had produced those very consequences of which they now complained.

The *Lord Chancellor* said, that though he was favourable to the bill, he never could give it his consent upon such grounds as the noble lord had just stated. No principle was less capable of being defended in that House than that it would be right to pass the bill, because those whom it was to affect professed the same religion with persons who had done wrong before. But he would go further, and say, that he would not support this bill if

it was to be taken as a pledge of wha he was to do afterwards, in respect tc another measure with which it had nc connexion. Upon that measure he woul act as he had always acted. He would con sult his conscience, and do what he consi dered best to be done. What he migh now do, or what he might have done before, should have no binding obligation on his mind, as to what he should do when the question to which the noble lord had alluded should come under the notice o the House. But this much he would say, that, having devoted many serious moments to that question for the last thirty years, he did not yet see any thing to induce him to think that his former opinion was wrong. At the same time, he should keep himself perfectly free to act as his conscience might subsequently dictate; when the period was arrived he would do his duty. He did not vote for the bill, in consequence of the past conduct of the Catholics, but because the principle on which the Association was founded was dangerous and unconstitutional.

Lord *Dudley and Ward* said, he rose with considerable reluctance, in consequence of his general views upon the question, to support a measure directed against the Catholic Association, whose conduct, however reprehensible in itself, was easily to be accounted for, by the painful and trying circumstances in which they were placed. It was for their lordships to consider what might be their own conduct under an order of things which should place them in a similar situation—not for any crime they had committed, nor as the authors of any dangerous innovation; but because they had adhered to the religion of their ancestors, and had not received that great light which, after the darkness of a thousand years, had broken forth on the christian world. If any one of their lordships thought that, under such circumstances, he ought not to feel any irritation or discontent, but that he should bow with submission and kiss the rod, that noble lord, undoubtedly, might vote for this measure without regret. But in his view, who thought that the Catholic question ought to pass as soon as possible, and that the Catholics were placed in a situation most trying to their loyalty, he was not disposed to scan their faults too nicely, and felt that some indulgence ought to be extended towards them. But then, there was a certain point where indulgence must stop—when danger began to appear; and it must be admitted that this Association had assumed a dangerous aspect. It set up a government against the government, a parliament against the parliament, and a revenue against the revenue. He did not mean to say that there was rebellion in its acts, but there was rebellion in its tendency. It was the machinery of a rebellion, for the time when the occasion might arrive. The government that would be intimidated by them would deserve to be overturned. Those who were at the head of this Association appeared to be able and intrepid men, and they might, perhaps, hate parliament for doing their duty; but, it was better that they should do that, than be taught to despise them for neglecting it. It became their lordships, without any regard to consequences, to pursue the course which duty dictated. This Association was founded on political principles of the most mischievous description, and was capable, at any moment, of forming dangerous and extensive connections. They assembled for the evident—indeed, the almost avowed purpose—of compelling the government to act as they dictated. An institution of this sort, which was established, not for any ordinary political purpose, nor for any great moral object, ought to be watched with a jealous eye. It was because he was the sincere friend of Catholic emancipation, that he wished the Association to be effectually put down. There were two ways by which the Roman Catholics might endeavour to attain their ends—the one by resorting to force, the other by adopting the language of persuasion. If force were hinted at, he should be surprised if the Protestant peers of that House did not resist any such proceeding; if persuasion were adopted, he thought the representations of the Catholic body ought to be seriously attended to; but he certainly wished that the Catholic Association should be put down—that the very name and recollection of that body should be abolished. So long as it existed, it would be cited as a specious plea against carrying the great measure of emancipation. He wished to see the Roman Catholics in possession of perfect political freedom; but he did not think it right that they should have a sort of government of their own, and political heads of their own. The Roman Catholics always had, and always should have, his voice in favour of their claims; but he trusted they would not adhere to

a line of conduct, which was not agreeable to the spirit of the British constitution, nor, indeed compatible with the spirit of any free government [hear].

The Earl of *Roden* said, that he, as well as many of his friends, could bear witness to the violent proceedings of the Catholic Association during the last twelve months. They had erected an imperium in imperio, and lorded it over the whole Catholic population of every part of the country. Could any thing be more objectionable than their levying a tax on the people?—He said "levying a tax," because, however it might be said, that the sums collected were voluntary offerings, he believed that, in many instances, the money was taken from individuals who were unwilling to subscribe; and not only that, but from persons who actually disapproved of the measures of the Catholic Association. The noble viscount who moved, and the noble lord who seconded, the address, on the first day of the session, had very justly described the mischiefs which were to be apprehended from this Association. Those noble lords must have known, as he himself well knew, the fever which the Association had excited throughout Ireland amongst the Catholics and Protestants during the last year. That body had been the means of fomenting jealousies, misunderstandings, and angry feelings between them; and therefore it was fitting, that such an instrument of mischief should not be suffered to exist. He knew of no good that it had effected, and he was quite sure that if it were suffered to go on, it would produce the most baneful effects. True it was, that the Association had put forth addresses, cautioning the people against becoming Ribbonmen, and imploring them to remain in a state of tranquillity; but, lest the people should take their advice, they, in the same breath, reminded them of "the hatred they bore to Orangemen." It was impressed upon their minds, too, that they were slaves—degraded and disgraced persons, to whom no meed of justice was extended. The Catholic population certainly suffered under the disabilities of the penal code, yet he would venture to say, that there were no peasantry in the world more free, or who would more rejoice in a participation in the blessings of the constitution, or be more anxious to acknowledge the boons they had received from parliament during the last two or three years, if they were permitted to do so, by those persons who assumed an undue authority over them. He was anxious to support the best interests of his country; and he spoke the honest conviction of his mind, when he declared that, in his opinion, this Association ought to be put down. He would not attempt to inquire what were the specific objects of the Association? And he would rather, if possible, think that much which they had done, and much which they had spoken, arose from irritation of feeling, ardency of mind, and from that warmth which mixed itself up with debate. But he would say, that, whatever their objects were, the evils which arose out of their proceedings were precisely the same. The ill effects produced by their speeches and manifestoes, on those who heard and read them, were just the same. A noble lord had told them; that if the Association were left alone, it would sink into nothing. It had been left alone; and, what was the consequence? Why, it had gone on increasing in numbers, and consequently in the power of doing mischief. He was glad that the present bill had been introduced; because it afforded the means of putting down all political societies—whether Orange societies, or Catholic societies. But, when he coupled them together, he must take the liberty to say, that they were very different in their nature and object. He thought, however, the time had gone by when Orange societies ought to exist; and he wished to see all political associations, be they what they might, put down, as well as all those annual processions which grew out of them. Whether the bill would completely effect this object, he could not say. With regard to the Orange societies, he thought it would; and with regard to Catholic societies, he was sure, if the people listened to the advice of those respectable noblemen, whom no person could mention without praise—lords Fingall, Gormanstown, Killeen, and others—the measure, with reference to them also, would produce the contemplated effect. As to the agitators of Ireland—that body which had excited so much angry feeling—of them he would say,

"Hi motus animorum atque hæc certamina tanta,
Pulveris exigui jactu, compressa quiescent."

The Earl of *Darnley* contended, that the Catholics of Ireland were justified in using the best means within their power for the restoration of their civil rights. The noble earl had spoken in flattering terms of the situation of the peasantry of

Ireland. Did he really mean to state tha the peasantry of Ireland were in so enviable a state, that they had no just cause of complaint? He could inform the noble earl, that as they were now situated it was impossible for them to be satisfied. They felt deeply the political degradation to which they were subjected. He believed that, from lord Fingall to the lowest peasant in Ireland, all the Catholics felt severely the situation in which they were placed. The legislature had in its hands a better means of putting down this institution than that which had been adopted. He would not go into a discussion as to the merits or demerits of the Catholic Association; but he would call their lordships' attention to an event which had recently occurred elsewhere, and which, if followed up, would give peace and tranquillity to Ireland. Let the House well consider the effect which had already been produced by that proceeding. He implored their lordships, he implored the learned prelates opposite, who had been the chief means of defeating, on former occasions, the measure to which he was now alluding, to pause before they dashe the cup of hope from the lips of the Roman Catholics, and destroyed their just and well-founded expectations. Their numbers were great, their cause was irresistible, for it was founded on reason and justice. He had heard it asserted, upon high authority, that it would be impossible to form an administration that would be unanimous on this subject. Whoever said this, appeared to him not to speak with an accurate knowledge of facts. For his own part, he did not think it would be difficult. Then it was said, that if such an administration were formed, they could not carry the measure, because it was contrary to the feelings of the people of England. This he totally denied. There were individuals in both Houses of parliament who were hostile to it; but, where was the hostility of the people of England shown? There had been but two or three petitions presented against it; and he was persuaded that the people of England were not adverse to it. It was in vain for noble lords to conceal the fact from themselves, that, without this measure, the Roman Catholics never would be, and he thought they never ought to be, satisfied. They were told that the government was divided against itself on this important subject. The farce had been carried on for a great length of time; but it could not be acted much longer. It must be settled: for he was sure no noble lord could lay his hand on his heart and say, that things could remain as they were.

Earl *Grosvenor* said, they were now about to frame a law which would be fatal to the peace of this country and of Ireland, if it were not accompanied by the measure to which his noble friend had alluded. Their lordships were going to adopt this bill, without hearing one word in defence of this much-maligned institution—without being in possession of the sentiments of the noble lord who was at the head of the government of Ireland—and without accompanying the enactment of this penal law with any conciliatory or healing proposition. They were proceeding to legislate in this manner, when the power of the Pope was no more. They were proceeding to legislate in this manner, when the Roman Catholic population had increased in knowledge and in riches; when the numbers of that body were not only relatively but actually enormous; and without stating, in any part of the bill, the nature of the danger that was apprehended. He trusted that the Roman Catholics would never be satisfied with any thing less than a full participation in the rights and privileges of the constitution.

The bill was then read a third time and passed.

HOUSE OF COMMONS.

Monday, March 7.

GAME LAWS BILL.] Mr. *Stuart Wortley* rose, to move the second reading of this bill. In legislating upon this subject, it was, he said, proper to consider whether parliament could not give protection to the amusements of country gentlemen, without doing injustice to the community at large. The evils which resulted from the present system were many; but the most important was the great increase of poaching, which—such was the effect of the existing laws—was not looked upon as a moral offence by scarcely any portion of the community. How was that evil to be diminished? Severe laws, he was convinced, would be of no avail. It was necessary to generate a different feeling amongst the body of the people. That, then, should be his first object; and the next the opening of the market for the sale of game, and thereby destroying the monopoly which the poachers at present enjoyed. The existing system of qualifi-

cation to kill game was most absurd. To be qualified to kill game, a man must have an estate of inheritance, in his own or his wife's right, of the yearly value of 100*l.*, or an estate for the term of ninety years, of the annual value of 150*l.* Those were the two principal qualifications: but, there was another curious mode of qualification, derived, not from any thing belonging to the person himself, but from the accident of birth. The eldest sons only of esquires, and persons of higher rank, were allowed the privilege of shooting. He proposed to remove all qualifications, the only effect of which was, to engender ill blood, and to give to every person who held land a property in the game which was on it, and a power to prevent any person from destroying it. He apprehended there would be no more difficulty in making game property, than fish in a river which ran through several estates. He certainly did not propose to make the taking of game a felony; but, there were many articles well protected by the laws, which it was not a felony to steal. He did not believe that the change in the law which he projected would increase the number of shooters. If the bill should pass, it would be necessary for an individual, after taking out a licence—he must go to the expense of that—to have the means of shooting. Under the existing system, many persons went out to kill game, who had no right to do so, and took the chance of being found out. When it was considered, that, according to the provisions of his bill, a person who went out to shoot must first purchase a certificate, and would in the next place be liable, if he were found shooting on another person's land without his consent, to be taken before a magistrate, he thought there was ground for presuming that the number of shooters would be much diminished. The great objection which was urged against the bill last year was, that it would have the effect of destroying fox-hunting—that was to say, that farmers and other small land-holders, having property in the game on their land, would find it their interest to kill the foxes. But, when it was recollected, that foxes were generally to be found only in great woods and preserves, where they might be protected by those who thought it worth their while to preserve them, he did not think that that objection was entitled to much weight. He should, indeed, be sorry to do any thing to the prejudice of fox-hunting, which he considered a most manly and truly English sport. Another objection to the bill was, that it would render game so common in the market, that country gentlemen would soon give up all idea of sporting. He did not believe that. For his own part, he could say, that he did not feel less pleasure in shooting woodcock or wild fowl, or catching a fish, because he could buy such animals in the next town. After declaring, that all the objections made to the bill were quite threadbare, he concluded by moving the second reading of it.

Sir *J. Brydges* said, that the present bill, as it seemed to him, instead of checking poaching, would go to encourage it. All that the poacher wanted was a free vent for his plunder, which this measure of the hon. member for Yorkshire went precisely to afford him. He was decidedly opposed to the bill, as far as regarded its effect upon the preservation of game; and not the less so, because it added a new felony to the Statute-book, in making night poaching a transportable offence. Under these circumstances, he should move, "that the bill be read a second time this day six months."

Mr. *Lockhart* was surprised how any one could think that the measure before the House was calculated for the preservation of game. The effect of the bill would be, by making every land-owner a legal dealer in game, to render the small farmer's house a constant resort for poachers, and the man himself an agent for the sale of their commodity. He should have no objection to support a proposition for extending the existing scheme of qualification; but, for the bill of the hon. member, he thought it would create more crime than it would prevent. With respect to the right of preserving game, he thought it quite unreasonable that gentlemen should be asked to resign any right or property, purely because there existed, on the part of some persons, a disposition to violate or destroy it. He should certainly support the amendment.

Mr. Secretary *Peel* said, it was his intention to vote for the proposition of his hon. friend, the member for Yorkshire. When he looked to the antiquity of the game laws, and considered the great changes which had taken place with reference to that species of property, he could not but entertain a strong suspicion, that those laws required alteration. He conceived that there was no one circumstance

which tended to call for that alteration so strongly, as the conduct of the game-preservers themselves. The mode of sporting, and the way in which game was preserved, were entirely changed within the last thirty or forty years. Almost every plantation in the country was converted into a preserve for game. Gentlemen were not now contented with sporting in the manner in which their ancestors sported. It was now a common occurrence for a single party to kill three or four hundred head of game a day. He had himself seen in a single larder a thousand pheasants, which were the produce of only three days shooting. What was the consequence of this change which had taken place in this mode of sporting? The increase of preserves, and the immense accumulation of game, had produced a corresponding change in the habits of the people. Almost every body of a certain rank in life now partook of game. In fact, it was considered a very unfashionable thing not to have a certain quantity of game at one's table. It was true, there was no legal vent for this enormous accumulation of game; but game, nevertheless, found its way among every class of society in the kingdom, which had any pretensions to elegance or conviviality. You might restrain the sale of game by legal enactments as much as you pleased, but it was idle to talk of preventing people from having game at their tables. Legally or illegally, people who could afford to buy game, would have it. It was impossible to deprive the 3 per cents consols of the luxury of eating pheasants. The interest of the game-preservers themselves called imperatively for some attempt to ameliorate the present system. It was not necessary at present to enter into the details of this bill; but he thought his hon. friend had stated quite sufficient grounds for its being read a second time. Whether it would be expedient to make game property or not, was a question which would be better discussed on a future occasion; but he thought no reasonable objection could be made to the proposition for giving to every individual the right of sporting on his own land, and of allowing others to do so, and afterwards of selling the game, if he thought fit. He would put it to hon. gentlemen, whether it was just, that any individual should have the right of preserving game, when, by so doing, the crop of his unqualified neighbour might be destroyed? He was persuaded that the effect of the proposed alteration would be, in ninety-nine cases out of a hundred, to lead to a just compromise between the rich proprietor and his poor neighbour. The owner of two or three acres would gladly forego the right of sporting on his land, if his rich neighbour would give him a reasonable consideration for the waiver of his privilege. The way in which game was preserved furnished another, and a very good reason, for altering the existing system. Game was preserved in this country by an armed force, for it was, strictly, an armed force. He himself preserved his game in what was considered the mildest manner. And, what was that manner? Why, he kept five or six keepers, with twenty or thirty attendants, who were subject to be called out, in case of any attack on the keepers, and, if necessary, to repel force by force. This was surely a most unsatisfactory mode of preserving any species of property; and necessarily introduced a great deal of ill blood between the game-preserver and the inhabitants of the district in which he resided.—Another mode of preserving game was by setting spring-guns. This showed, that, under the existing law, there was no safe or satisfactory mode of preserving a species of property, which could be maintained only by armed force, or by weapons, which might destroy the life of a human being; which life we had no right to take away. Looking, therefore, to the immense changes which had taken place in society, and especially with respect to this peculiar species of property, he thought it impossible for any man to contend, that the present system of the game laws was a satisfactory one; or that there did not exist the strongest reason for allowing this bill to be read a second time. There could be no doubt also, that an alteration was required in the law of qualifications. Under the existing system, the second and third sons of a qualified person might be violating the game laws at the very moment that he was enforcing them against others. But, even supposing the law of qualifications were so altered as to entitle gentlemen of the learned and liberal professions to kill game, it would be necessary to make an alteration in the landed qualifications for killing game. The law, with respect to qualifications, had been placed on a rational footing in Scotland; and in no country had game increased so much as in the lowlands of Scotland. There every

individual possessing a ploughgate of land, or about thirty or forty acres, was allowed to kill game on his own property, and to qualify other persons to kill game on his own property.—He, however, would not disguise his opinion, that the provisions of the bill proposed by his hon. friend would not answer all the expectations of those who supported it. He did not think that any alteration which could be made in the game laws, would entirely put a stop to poaching. The poacher was actuated by two motives—the love of sporting, and the love of gain. The first of these motives would remain untouched, whatever law might be enacted; but the love of gain must be naturally interfered with by a bill which should legalize the sale of game, and enable a gentleman possessing a thousand pheasants, as in the case he had alluded to, to compete with the poacher in the market. The present state of the law offered strong and irresistible temptation to the poacher? Suppose the sale of grapes or pine-apples were prohibited in this country by legislative enactment; would not the effect of such a law obviously be to tempt gardeners and servants to act dishonestly? What reasonable objection could there be to putting hares on the same footing as rabbits. He really could not account for the process of reasoning, by which a gentleman felt himself at liberty to sell a rabbit, while he hesitated to sell a hare. He himself had not the least scruple in disposing of his rabbits for a reasonable price; as all the gentlemen in his neighbourhood did. If the law enabled gentlemen to sell their hares in the same manner, he saw no distinction between the two quadrupeds, which ought to raise any insurmountable difficulty. When he was told, that the proposed alteration in the game laws would deprive gentlemen of the pleasure of sporting, he begged to recal to their recollection what the fact was with respect to woodcocks. No species of game was pursued with greater avidity, and yet woodcocks were sold every day in the week in Leadenhall-market. An hon. member had said, that this was matter of so much importance, that he (Mr. P.), ought originally to have taken it up. The fact was, that when he first came into office, he found the subject of the game laws in the hands of an hon. member, now lord Salisbury; it had been subsequently taken up by his hon. friend, the member for Yorkshire, who had bestowed upon it a persevering attention, which entitled him to the highest credit. He had given his hon. friend every assistance in his power, and he should support his proposition, because he thought the best measure that could be adopted, even with a view to the interest of the game-preservers themselves, was, to give to game the same sanction which was given to every other species of property. If the House should follow the course they did last session, and reject his hon. friend's bill, he should probably feel it his duty to submit to the House a proposition, which, without altering the law as to qualification, might legalize, for two or three years, the sale of game. He should propose such a measure, not certainly with any view to maintain the privileges of the game-preserver, but for the sake of the public interests; for if they could not obtain all the good proposed by his hon. friend, the most prudent course would be to take as much as they could get.

Mr. *John Douglas* opposed the bill, as tending to destroy all the game in the country. If people were allowed to purchase game openly, they would eat so much of it, that there would soon be none left. Eating game would become a custom; and people would look for their pheasant on the 1st of October, as regularly as they did for their goose on Michaelmas day. If foxes and other game were destroyed, country gentlemen would look to other sports, and would, very probably, dissipate their time and their money in those graves of property which were kept up in St. James's street.

Sir *J. Yorke* said, it must be evident, that the present restrictive laws on the sale of game did not prevent its being supplied in the largest quantities in the metropolis. It was proved before the committee up stairs, that two poulterers had said they could furnish the whole House of Commons twice a-week with two head of game for each member; and one of them added, that on one occasion, he had actually thrown a thousand head of partridges into the Thames, not being able to obtain a sale for them.

Mr. *W. Peel* opposed the bill, on the ground that much evil would arise from legalizing the sale of game. The proposed alteration of the game laws would, in his opinion, interfere with the recreations of the country gentlemen.

Sir *J. Sebright* said, that the law, as it stood, was extremely objectionable, since

it operated to prevent men from doing what they pleased with their own property. Some gentlemen seemed to have great prejudices against any innovation on the game laws, because they looked upon the present state of things as perfectly natural. A friend of his, who had paid a visit to the continent, said to him on one occasion, "Could you believe it, sir John, they sell game in the streets abroad just like any other commodity?" Upon his asking him what he found extraordinary in that, "Oh," said his friend, "can you conceive any thing more unnatural?" Prejudices of this kind were not uncommon in that House. They had heard, a short time ago, gentlemen opposing the repeal of the usury laws, before they considered that 5 per cent was the "natural" interest of money; and they had also heard hon. members opposing Catholic emancipation, because, forsooth, Protestants were "naturally" opposed to the claims of the Catholics. These were prejudices of habit, and ought to be got rid of. He would support the bill, because it tended to put an end to poaching.

Sir *Alexander Don* expressed his assent to the measure.

Mr. *Pelham* concurred in the propriety of passing the bill.

Mr. *J. Martin* said, he considered the bill in its present state exceedingly objectionable, but he should vote for the second reading, in the hope that the alterations which he required might be effected in the committee. Should this end not be attained, he should oppose the third reading.

Mr. *James* thought, that the only just mode of legislating on the subject of the game laws was, to make game the property of those who had been at the expense of rearing it. He should, therefore, support the motion.

The House divided: For the second reading 82. Against it 26. Majority 56.

ARMY ESTIMATES.] The report of the committee of supply was brought up. On the first resolution being read,

Mr. *Hume* said, that, having been prevented from attending on the night when the Army Estimates were discussed, he wished to take that opportunity of making a few observations; because he conceived that the explanations given by the noble lord opposite were quite unsatisfactory. If the proposed augmentation were to be temporary, and were justified by real necessity, he should be as ready to support the proposition as any man; but, from the statement of the noble lord, the clear inference was, that the projected increase was to form the regular peace establishment, below which it was impossible the number could be reduced. The question, then, was, are we to be satisfied with the reduction of taxes which has taken place? The committee of 1817, whose suggestions the House had professed to follow, had recommended the reduction of the army to the lowest possible standard; and, in 1821, the House was so sensible of the propriety of the advice, that they had agreed, that the only mode of producing an economical change, and affording general relief, was by reducing our expenditure, or doing away with that absurd system, the Sinking-fund. Now, although it might not be possible to come down to the standard of 1792, still it was the duty of the House to approximate it, as nearly as possible; and he was quite prepared to show, that there was an abundantly sufficient force in our colonies, unless there was an anticipation of war. The large disposable force which parliament had given the government had enabled them to continue that odious and mischievous system of misrule in Ireland, which they had hitherto pursued instead of resorting to the wise and politic system of concord and tranquillity, which would promote the prosperity of that country, and save to England the expense of ten thousand men. With respect to Gibraltar he differed from his hon. and gallant friend (sir R. Wilson). The state of that garrison was well known, both before and after the visit of his hon. friend. He found, by the last returns, that we had 3,900 men in that fortress; and, with such a force, considered it perfectly safe during a time of peace, when it was defended as much by the faith of treaties as by the force of arms. Another hon. gentleman had said, that additional troops were wanted in our colonies. He should like to know in what colonies. Was it in the Ionian Islands, or at the Cape of Good Hope? He allowed that the condition of the Ionian Islands had been much improved since the accession of the present governor; but he still believed, that if Greece were free, the inhabitants would shake off our protection, in consequence of the insulting regulations with which it was accompanied. At the Cape of Good Hope we had a governor who was exciting discontent by the most arbitrary

proceedings, and who was compelling the most valuable part of the colonists to return home to England, to obtain shelter from his oppression. If fresh troops were wanted to confirm the authority of arbitrary governors, he for one should be unwilling to grant them. Indeed, he was of opinion, that if we tolerated the present augmentation of the army, we should never again hear a reduction of its numbers mentioned; but that the amount at which it was now fixed would be taken as the proper amount of our military force in a time of peace. Instead of increasing the regular army to 86,000 men, he would reduce it to 68,000 men; and by so doing, he would get rid of the window-tax, and have a considerable surplus to spare for other purposes. If we were to have an excess in any part of our armed force, it ought to be in our navy; which was our best and most effectual defence. An hon. member had said, that we ought to have our garrisons in a permanent state of defence, so as to be prepared for war. To this he would reply, first of all, that we wanted no permanent garrisons; and next, that he did not expect that we should speedily have occasion to go to war. We had had a twenty years' war, and he could not see any reason why we should not have a twenty years' peace. Indeed, he thought that the probabilities were all in his favour; since the world grew wiser as it grew older. To put his sentiments upon record, he should move a resolution, which he knew would meet the approbation of the people out of the House, whatever might be its fate with their representatives. The hon. member then moved, by way of amendment, "That, in the opinion of this House, it is not necessary, in a time of profound peace, to maintain, for the service of the current year, the number of 86,438 regular land forces, exclusive of those for India, and also exclusive of 9,000 Royal Marines; of about 7,800 of Royal Artillery and Engineers, of 53,258 enrolled Militia, Yeomanry, and Volunteers in Ireland; and of 55,000 Militia, and 43,000 Yeomanry and Volunteers in England, and of 3,000 Veterans; making, in the whole, 257,496 men actually in arms, or ready to be called out, if necessary, exclusive also of Colonial troops at Ceylon, the Cape of Good Hope, and in Africa, amounting to about 4,000 men, not included in the above numbers."

Colonel *Johnston* seconded the amendment, and expressed his astonishment at such an unexplained augmentation of the army.

Mr. *Wilmot Horton* contended, that the proposed augmentation of the army was rendered necessary by the increased population of our colonial dependencies, and the increased duty to which some of our garrisons abroad had recently been exposed, in consequence of certain occurrences. Indeed, the duty which some of our colonial garrisons were obliged to go through was so harassing, as to be destructive of the health both of men and officers. The state of the West Indies rendered it necessary for us to have efficient garrisons in every island; and almost every governor had sent pressing requisitions to the government at home for an increased number of troops to defend them. The same was the case in New South Wales and Van Diemen's Land, where the military had to perform the duties of the police. Under these circumstances, he had no doubt that the House would see that this increase to the army was required by imperious necessity, and was not of a nature to excite fear in any friend of constitutional liberty. The hon. member had, as heretofore, alluded to the numerical military force of 1792; but he had overlooked the great change that had since taken place, not alone in the number of our colonies, in the increase of the population, and in the comparative military strength of other countries. These were considerations which the House was bound to bear in mind; and not the mere abstract question of the numerical difference between the establishments of 1792 and that called for by circumstances at this period.

Mr. *Bright* said, that if the duty to which our army was subjected was as harassing as it had been represented, ministers were deeply to blame for not having come forward before to relieve it. He did not, however, believe it to be so severe as to require this augmentation in time of peace. He recollected that, last year, 4,500 men had been voted, on the express ground that they should be sent to defend the West Indies. He wished to know whether that force had been sent there, and if it had, whether it had been found insufficient? He complained, that we had now been engaged in the Algerine, the Ashantee, and the Burmese war, without any information being given by ministers to the House. He contended, that the proposed ex-

tension of our army was utterly uncalled for, and that the circumstances of the country required a reduction of it, rather than an increase. Ministers, though they had gained, had not yet deserved any popularity by their reduction of taxation. In point of fact, they had not reduced the revenue by it; but had obtained the same revenue from a diminished taxation, in consequence of the spirit with which the people of England entered into all commercial transactions.

Sir *R. Wilson* should not have risen, had not his hon. friend, the member for Aberdeen, seemed to think him mistaken, when he said, that the present garrison of Gibraltar was inadequate to its defence. His hon. friend had said, that Gibraltar might as safely be left with its present garrison, since it was defended by the faith of treaties. It might be so; but he should think the government very criminal, if it left Gibraltar to that species of defence, while the French army were in possession of Cadiz, and a large French fleet was cruising in the bay. He believed his hon. friend had been at Gibraltar; but, if he thought it could be defended by 4,000 men, he had never looked at it with the eye of a soldier, or the knowledge of an engineer. He was quite as great an economist as his hon. friend, but he was a provident economist, and would spend 1,000*l.* now upon our garrison, to prevent our spending millions hereafter.

Mr. *Trant* said, he had recently been at Gibraltar, and begged leave to add his testimony to that of the gallant officer, to the inadequacy of the garrison to perform the duties of the place.

Sir *Charles Forbes* contended, that we had been the aggressors, and not the aggrieved party in the Burmese war. The marquis Wellesley and lord Hastings were not men likely to permit themselves to be bullied; and yet they had both avoided a war with the Burmese, when there was great provocation to commence it. He maintained, that we had no prospect of succeeding in a war with that people; and said, that, even if we gained possession of the Burmese capital, we should have done but little to subdue the spirit of that gallant nation. He regretted that we had not sent 15,000 or 20,000 men to the East Indies; as the sending of such a force would place our empire in the east out of the reach of all danger. He complained of the manner in which the troops were sent to India. The vessels which conveyed them to that country were noble ships; but then they were crammed and loaded in a manner which almost defied credibility. The "Inglis," had on board of her the other day 700 troops, and was so much crowded, that before she left the Downs, her captain requested, but in vain, that 100 men might be taken out of her. Intelligence had arrived that day of an accident which had befallen another of the company's ships, in which a similar number of troops were packed together; and had it not been for another vessel which fortunately came in sight, every soul on board must have perished. He could not but express his astonishment at a very singular practice of the East-India Company's sending out each ship singly, when they had two or three sailing about the same time to the same place of destination. It might have been expected that they would be glad to send them together, in order that they might afford assistance to each other in case of accident; but he believed that they were sent separately, with the express intention that they might not assist each other. His reason for thinking so was this:—Two vessels had sailed about the same time from China to England. In passing through the Straits of Sundy one of them got aground; the other quickly came to its relief, took out part of her cargo, and, by the exertions of her men, saved the vessel to the company. On his return home, the captain of the vessel which saved the other made a slight claim of 1,500*l.* on the company for demurrage. The company refused it, under the idea, that one of its servants would never think of going to law with it for such a claim. The directors were, however, mistaken. The captain brought an action against them; and, instead of recovering 1,500*l.* demurrage, recovered 12,000*l.* for salvage. The company, therefore, determined that no two ships should ever sail again together, to prevent their ever being called upon in future to pay for salvage. The directors had a right, if they thought fit, to risk their tea in this manner: but they had no right so to risk the lives of the brave men who were going to fight their battles in India.

Mr. *Lindsay* stated, that the ships provided by the East-India Company for the conveyance of troops, were better and more commodiously arranged than those of the government at home, and had 18 inches room allotted to each soldier's birth, while 14 were only allowed in the

British service. It was also an arrangement with the former to allow one-third of the troops to be always on deck. He hoped his majesty's government would unite with the East-India Company in doing something handsome for the ship which had so providentially rescued the crew from the outward-bound vessel, the Kent, which had unfortunately taken fire at sea.

Lord *Palmerston* denied, that the object of the proposed increase in the army was to extend the patronage of government. With regard to promotions, they would be made without any regard to interest, and with the view of promoting those officers only whose service entitled them to it. The lieutenants who had been promoted were those of seventeen years standing. This was sufficient to prove that the charge was undeserved. As to the garrisons on foreign stations, he was willing to rest that question on the testimony of the hon. and gallant officer (sir R. Wilson), on whose opinion he was sure, both the House and the country would place the fullest confidence.

Sir *R. Wilson* asked, whether government would effect the arrangement which he had suggested on a former evening, with respect to the quarterly payments of wounded officers on half-pay.

Sir *C. Long* said, that since he had the honour of holding the office which he now filled, the number of pensioners who were paid quarterly, instead of half-yearly, was doubled. It did, however, so happen, that the class of officers alluded to by the gallant member, had not received their pensions quarterly; but, if any one of them had only communicated their wishes to receive it four times a year instead of twice, to the proper quarter, he had no doubt that the intimation would have been complied with. He had taken measures to carry such an arrangement into effect: but it would not be practicable to have it commence before the 24th of June. He took that opportunity of expressing to the hon. and gallant officer how much indebted he was to him for the suggestion.

Lord *Milton* could not approve of the present estimates, which exceeded, by half a million of money, and 12,000 men, the estimates for the year 1823. This augmentation was attempted to be justified upon the apprehension of impending dangers from abroad, which were, he thought, quite unreasonably felt by some honourable members. Did the colonies now require treble the amount of force which Mr. Pitt thought sufficient in the year 1792? He certainly thought not; and believed that it would look much better in the eyes of foreign powers, to place the strength of Great Britain upon the foundation of her national wealth and prosperity, instead of the numerical amount of her military force. He should therefore protest against this uncalled-for increase of the standing army.

Sir *F. Ommanney* strongly recommended that the quarterly payments to wounded officers should commence forthwith, instead of in June.

The House divided: For the original resolutions, 102. For Mr. Hume's amendment, 8.

List of the Minority.

Bright, H.	Palmer, F.
Howard, H.	Wood, M.
Hutchinson, C.	
James, W.	
Milton, lord	Johnson, col.
Monck, J. B.	Hume, J.

HOUSE OF LORDS.

Wednesday, March 9.

Roman Catholic Claims — Petition from Kilkenny.] Lord *Clifden* presented a petition from the Protestant Inhabitants of Kilkenny, in favour of the Roman Catholics' Claims. This petition, his lordship said, was the petition of the greater number of landholders in the county. He could not avoid expressing his satisfaction at the progress which this question was making. Whether now carried or not, he was sure it was obtaining more consideration than it had ever done before. There was great reason to hope that this question, which certainly would be interminable, as long as the Catholics were excluded from the privileges of the constitution, would, at last, come to an end. From this he argued nothing but good. He remembered the time when great commercial jealousies existed between the two countries. These were all happily done away; and there was not one man of sense in the country, who did not wish to see Ireland as flourishing as England. He was sure, if the thing were wisely done, it would be effected without the least danger to the church. Upwards of forty years had elapsed before the union between Scotland and England was perfect; and now the people of the North

and the South were as one. He hoped soon to see the same with regard to Ireland. Then would that country, instead of being a thorn in our side, and a millstone about our neck, be, like our right arm, ever ready to shield us from harm. "God grant this may soon arrive."

Ordered to lie on the table.

HOUSE OF COMMONS.

Wednesday, March 9.

PERUVIAN MINING-COMPANY'S BILL.] Mr. Green brought in a bill to enable the Company to sue and be sued in the name of their Secretary.

Mr. *Hobhouse* said, that when the second reading should be fixed, he would oppose it by all the means in his power. The more he had examined the subject, the more he was convinced, that the scheme of the persons concerned in the present bill was wholly impracticable. The Pasco mountains were 13,500 feet above the level of the sea, and the experiment of mining there had been tried over and over again, without success. He knew nothing of the individuals concerned, but he took upon himself to say, that he should be able to convince the House that it ought not to encourage such an undertaking.

The bill was read a first time.

METROPOLITAN FISH-COMPANY BILL.] Lord John Fitzroy moved the second reading of this bill.

Mr. *Calcraft* observed, that this was one of the many delusive schemes of the present day. About sixteen years ago, it fell to his lot to oppose a bill, which, under the pretence of employing the boys of the Marine Asylum, went to supersede the trade of industrious persons who got their living by selling fish. He undertook then to show that the bulk of fish sold at the rate of 1*d*. per pound died; he would undertake now to show, that the great bulk of the fish brought to the London market, was sold at seven farthings per pound. Could any company supply fish at so cheap a rate as that? In the prospectus of this company it was stated, that the Dutch engrossed nearly the whole of the British fisheries. This proved the ignorance of those who undertook, if they could catch 300,000*l*., to furnish all London with fish. The Dutch were only engaged in the turbot and eel fisheries. In all other descriptions of fish the British market was supplied by British fishermen. At this end of the town, no doubt the consumer paid high for his fish; but, were delicacies and dainties to be selected, except at a high price? If those who were nice in the supply of their table would have nothing but the very finest fish, ought they not to pay for it? The new company proposed to supply the poor with fish. Could the poor be supplied with fish at a lower rate than fish was now purchased at at Billingsgate market? The poor were dainty with respect to fish: they would never have it but when it was at the highest price. If it was a low price they immediately fancied it could not be good. He objected, however, to the principle of this bill, calculated, as it was, to injure the regular fishermen, who were entitled to protection and encouragement. He was informed that the first step which the company had taken was to employ an agent at a salary of 2,000*l*. This was, to be sure, an economical mode, of going to work! He would not oppose the second reading of the bill; but when he met the supporters of it in the committee, he would dare them to a proof of the statements contained in their prospectus.

Lord *John Fitzroy* said, he had no private interest in the success of the measure.

Mr. *J. Smith* said, that the company might do good; but harm, he thought, they could not do.

Mr. *Curteis* observed, that the Dutch fishermen did not confine themselves to taking eels and turbot, but also brought to the English market flounders, cod, and other fish.

Mr. *J. P. Grant* opposed the bill. He thought the House could not do any thing more injurious to the regular supply of the market, than to give a chimerical company advantages which were not possessed by the regular fishermen.

The bill was read a second time.

JURIES REGULATION BILL.] Mr. Secretary *Peel* rose to bring forward his motion for consolidating and amending the laws relative to Juries. It was impossible, he apprehended, to urge any valid objection against clearing up what was obscure, and consolidating what was scattered over the whole Statute-book, in the laws relating to Juries. There were no fewer than 85 statutes relating to the impanelling of Juries. What possible ob-

jection could there be to uniting all these statutes in one clear and intelligible act? He would mention one or two statutes passed within the first ten years of the reign of queen Anne, as a specimen of the confusion and incongruity which prevailed with regard to the laws on this subject. One of these acts relating to Juries was also entitled an act for the more easy recovery of small debts, and for amending the law relative to lands held in coparcenary. It was surely more consistent with common sense to separate the laws relative to juries from this incongruous mixture, and to consolidate them into one simple statute. Another act relating to juries, the 10th of queen Anne, was also an act for defining the powers of magistrates in certain cases, for building county gaols, and for preventing apothecaries from filling certain parish offices. Some of the provisions relative to juries, which were still in force, were mixed up in the same statute with provisions relative to other subjects, which had long since been repealed. One of these acts, for instance, was also an act relating to vagrants, which was no longer in force, and an act for prohibiting the exportation of leather. Many of these acts he proposed to repeal altogether; that, for instance, relating to the attaint of jurors, in case of bribery or improper conduct; an act which, as Blackstone had observed, was coeval with wager by battle, and which, in the present enlightened age, ought, in his opinion, to share the fate of its contemporary. He would just state to the House the penalties which this act inflicted on the offending juryman. He was to lose his liberam legem; he was to become infamous for life; he was to forfeit his goods and the profits of his lands; his wife and children were to be cast out of doors; his house was to be razed; and his fields and meadows destroyed. In these days, he trusted, there was a better pledge for the integrity of jurors, than any penal statute of this revolting description. This statute had never been enforced during a period of two hundred years. It was just possible that it might again be brought into activity, as the law of wager by battle had been, within the last twenty years; and as the latter barbarous remnant of antiquity had been judiciously abolished, he proposed to take the same course with respect to the law for attainting juries. At the same time, if it could be proved to him that any benefit was likely to result from this law remaining on the Statute-book—if it could be shown, that, in the present century, it really was a beneficial and practical control on the conduct of jurors, he should be perfectly ready to re-consider his opinion. The alterations which he proposed to make in the law relating to juries were very slight. He should make no new experiments with regard to the phraseology; for instance, where the ancient phraseology was clear and expressive, he should leave it untouched; where it was absurd and contradictory, he felt it to be consistent only with the civilization and improvement of the present age, to propose an amendment. The chief alterations which he proposed to make were these:—In the first place, with respect to the mode of summoning common juries, he should propose an alteration in the formation of the lists. Those lists were at present returned in parishes by the petty constable—an individual who was frequently unable to read or write, and too often open to seduction. Thus he had ascertained that the petty constable, in consideration of some trifling gratuity, often omitted the names of persons who were best qualified to serve on juries, and inserted the names of others who were less qualified to discharge that duty. He proposed to devolve the duty of forming the lists of persons qualified to serve on juries on the churchwarden and overseers of the parishes, who, from their situation, were much better able to ascertain the qualifications of the parishioners, and who, from their respectability, were not liable to the objections which existed against the petty-constable. He should also require a much more distinct enumeration of the qualifications and residence of persons liable to serve on juries, than was made at present. He should propose also, that the appeals of persons whose names might be improperly returned or omitted, should be received at a petty sessions of magistrates, and not at the quarter sessions, where the magistrates had already sufficient business on their hands. He proposed, also, to extend the number of persons qualified to serve on special juries in counties. Under the existing law, none but persons designated "esquires" could serve on special juries in counties; and in one remarkable case, he alluded to the trial of major Cartwright, only fifty-four persons, qualified to serve on special juries, exclusive of the grand jury who found the bill, were

returned out of the whole county of Warwick. He should propose that in counties, as in the city of London, all persons returned, as merchants and bankers, should be liable to serve on special juries.—He should now advert to the most important part of this subject; namely, the formation of special juries for the purpose of trying causes. It was his intention to propose an arrangement which, he trusted, would be perfectly satisfactory, to all parties, both to those who thought the present mode of striking special juries defective in theory and liable to abuse, and to those who, while they admitted that the theory was defective, thought that no practical abuse could arise from it, in consequence of the great respectability of the officers on whom the duty of striking special juries devolved. He should propose, that the names of all the persons qualified to serve on special juries in London and Westminster, and in every county of England, should be inscribed in a book, describing the rank and qualifications of each, and that to the name of each person, alphabetically arranged, should be attached a number of the arithmetical progression 1, 2, 3, 4, &c.; so that for example, if there were a hundred persons qualified to serve on special juries in a particular county, their names should be alphabetically arranged, and the arithmetical progression 1, 2, 3, &c. up to 100, should be attached to those names in their alphabetical order. He should then propose, that a number of cards equal to that of the persons qualified to serve should be numbered with the same arithmetical progression 1, 2, 3, &c. to the extent of the whole list. The cards so numbered were to be put into a box or glass, and 48 of them were to be drawn out by an officer; these 48 were to be reduced to 24, in the present mode, and the names of the 24 called over in court in their alphabetical order [hear, hear!]. It would, of course, be admitted, that that mode of trial was to be preferred which would be most satisfactory to both plaintiff and defendant; and therefore it was proposed that, in civil cases, if both plaintiff and defendant should signify their assent in writing, that the officer should proceed in the old mode, then that course might be followed. It was important that the consent should be written, to prevent future differences. It should also be provided in civil cases, that when one jury had been selected qualified to try commercial causes, if other parties having causes to be tried should signify their mutual assent, the same jury might proceed. To this course he saw no objection. But unless both parties consented, the law would be of no avail. This arrangement would not be allowed in political cases; in them there must be a ballot of the special jurors. The details of the measure would be better understood when the bill should be printed; at present, he only meant to propose that it should be read a second time pro formâ, committed, and the blanks filled up, in order that its provisions might be fully understood. If it should be found, that benefit resulted from this measure, he hoped the House would not stop there with the principle of consolidation. It was impossible to contemplate the vast mass of laws in our Statute-books, without feeling, that great advantage might be derived from extending the principle. The criminal code should be the first; for it was of the last importance, that the subjects of this realm should have a facility in knowing the laws which they were bound to obey. Many amendments might be made in the laws respecting forgery and larceny, which abounded with so many anomalies. The hon. and learned gentleman (Dr. Lushington) had devoted much of his time to the consolidation of some of our laws; and indeed it was only by the intervention of able professional men, that such a desirable object could be accomplished. He had himself been much occupied with this measure, and had also the assistance of eminent members of the legal profession, who were, of course, much better qualified to treat such a subject than he could pretend to be, and he trusted, that however necessary, in other cases, a commission in this particular instance, might be dispensed with, as he trusted the measure would be found satisfactory. With respect to the laws regarding forgery, they filled one entire volume; and he thought that, in that case, a commission would be desirable; for he was sure that, neither the lord chancellor, the attorney-general, nor any professional man, could devote sufficient time for the minute investigation which was necessary. After the experience he had had of those eighty-five statutes respecting juries, he was persuaded, that, by carrying the principle of consolidation further, great improvement would be done to the laws; much con-

fusion would be avoided; and many anomalies removed. He should therefore move for leave to bring in a bill "to consolidate the Laws relating to Juries, and for the regulation of Special Juries."

Dr. *Lushington* said, he was desirous to take the earliest opportunity of expressing the high satisfaction he felt at the very important measure about to be introduced by the right hon. Secretary. With respect to that part of the proposed plan which affected the selection of juries, it could not fail to be productive of the greatest benefit; for nothing could be more injurious to the administration of justice, than even the existence of a doubt as to the purity of the mode in which it was administered. The decisions of courts of justice should be beyond suspicion, in order that the desirable end might be attained, that a conviction should receive the approbation of the public; and, from the statement of the right hon. gentleman, he was disposed to think, that the provisions of the bill were the best qualified to accomplish the proposed end. He apprehended that the regulation as to the selection of juries would extend to Exchequer prosecutions. This would be of the greatest advantage; and as to the general question of consolidation, he quite concurred in the principle of appointing a commission, and of proceeding step by step. In the committee, of course, an opportunity would be afforded of making any alterations that might be found necessary; and he felt a strong assurance, that the measure would be most satisfactory when reduced to the best test of utility—practice. In all his attempts on this subject, his principle, and he trusted the principle that would be pursued, was, to consolidate the laws precisely as they stood. No man had a right to come down to that House with a measure professing consolidation merely, when, in point of fact, its object was to alter and amend. If the slightest alteration were proposed, it should be distinctly pointed out to the House, and in any consolidation they should adhere, as closely as possible, to the old form of the act of parliament, with reference to decided cases, in order that the law might not be at sea until there were fresh adjudicated cases. The measure should have his full concurrence and support.

Mr. *Hobhouse* said, that every man who valued the liberties of his country, must be delighted at the introduction of this bill. It would be the greatest and most salutary reform that could be found in our Statute books.

Mr. *Hume* said, that, having years ago called the attention of the House to this important subject, he could not but express the satisfaction he felt at the proposed measure. But, it appeared to him, that it would be a very great advantage, if the same principle could be applied to what was called the Common Law, but which he considered tantamount to no law at all.

Mr. *Peel* said, that, as far as was practicable, the common law had been consolidated by statute; but the hon. member must himself concur in the impropriety of enacting by statute that which was regulated by common law. Nothing, in his mind, could be more inexpedient than to interfere with the ancient institutions of the country: for instance, who would think of enforcing, by statute, that a jury should consist of twelve persons, and that their verdict must be founded on unanimity. It would be most unwise to interfere with those sacred usages, which had been uniformly recognized as the law of the land.

Mr. *Bright* expressed his entire approbation of the bill, and thought the right hon. Secretary entitled to the thanks of the country for introducing it. There was one improvement which he would suggest to the right hon. gentleman; namely to introduce a clause to prevent the separation of juries, in any case until they came to a decision. Great inconvenience had already arisen from a contrary practice. He would not allow a jury to be discharged even with the consent of the parties. He did not know whether it was intended to consolidate the laws on high treason in this bill; but if it was, he hoped that none of the privileges at present enjoyed by defendants in cases of high treason would be taken away. Among other improvements which he should wish to see take place, was that of obliging the Crown lawyers, in cases of high treason, to assign a cause for their challenges at the time of making them. On the whole, he looked upon the bill as likely to be of vast benefit to the country. It embodied very many of the improvements which had long ago been so ably pointed out by that great man, lord Bacon.

Leave was accordingly given to bring in the bill.

HOUSE OF COMMONS.

Thursday, March 10.

Votes of Members on Questions in which they have a Pecuniary Interest.] Mr. *Hume* rose, for the purpose of submitting to the House a resolution, "that no Member shall vote for or against any Question in which he has a direct pecuniary Interest." In doing this, he said he could assure the House, he deeply regretted that the execution of so important a task had not fallen into the hands of some person better able to discharge it than he felt himself to be. Its object was, to effect an alteration in the existing usages of parliament. Those usages consisted of a large collection of resolutions which the House had, from time to time, adopted, as present circumstances, or particular exigencies had required. It appeared that, at a very early period in the history of the parliament of England, it had been found inconvenient and unjust that members should be allowed to interpose the influence of their votes in the resolutions of the House on subjects in which they had a direct interest. It had therefore been provided by the House, that no member should be allowed to vote in favour of any measure, in the passing of which he was personally or pecuniarily concerned. But there had never yet been an order, that such members as were similarly interested in opposing a bill before the House, should also be disqualified from voting on it. It was to this latter point that his present motion more particularly referred, and which he thought was not less just, nor less important, than that which had already been provided for. He was prepared to believe that the House would not deal hastily with this proposition, nor, without consideration, agree to a resolution which should so materially alter the practice of parliament; but, if it could be proved that the existing law in this respect was unjust in itself, and injurious in its effect upon the interests of individuals (and he did not doubt that he should afford such proof in a very ample and satisfactory manner), he trusted that it would not be thought beneath the dignity of parliament to abrogate that law, and to establish such an alteration as might seem necessary. It was a subject in which he had personally no interest whatever, excepting that desire which he felt in common with every other hon. gentleman, that the House should deserve and receive the respect of the whole community for all its acts. As the parliament was the highest tribunal in the country, so it ought to be in all respects the purest. In all the inferior courts, it was a rule as old as their establishment, that no person should be engaged in the administration of justice in a cause which involved, or might be supposed to involve, any pecuniary interest, or any personal feeling applying to himself. If, then, this precaution had been adopted in all the inferior branches of the constitution, how much the more necessary did it become to remove every ground of suspicion, that the interests of members of parliament might, by any possibility, prevail so far as to bias the resolutions of the House.—He should proceed to detail what had hitherto been the practice, with respect to questions like the present; and having put the House in possession of evidence which precedents would supply, he should leave them to deal with the subject as they might think fit. The more he had considered it, the more of difficulty he was ready to confess presented itself, in the manner of applying a remedy to what he believed to be a great evil. It was almost impossible to compare at once, minutely and satisfactorily, the proceedings of that House with those of any of the inferior tribunals to which he had alluded. Still—as a part of the principle on which his resolution was grounded was admitted, by disqualifying the votes of persons interested for, and a part of it denied, by receiving the votes of persons interested against, such measures—the obvious inconsistency of the present practice was such as demanded a remedy. By care, however, some amelioration might be effected; though he was averse to throwing any obstacle in the way of improvements which many private measures were designed to carry into effect. The very bill out of which this motion had arisen, was, to put an end to an injurious monopoly.—He would now proceed to lay before the House what had been the practice and the law on the subject. The first case which he could find on the records of the House which bore upon the question, occurred in the year 1604, with regard to a member named Seymour. It was mentioned in the first volume of the Journals. A bill, he believed, establishing the lands of the deceased duke of Somerset, was offered to the question of commitment by Mr. Speaker. It was moved by sir Edward

Stafford, that Mr. Seymour, a member of the House, and a party, might go forth during the debate, which was conceived to be agreeable with former order and precedent in like cases; and Mr. Seymour went presently forth at the door. It did not appear in this case, whether the member was in favour of, or opposed to, the measure; but his having an interest in it was considered a sufficient reason for excluding him from the privilege of voting. The next case occurred in 1664. Sir Robert Paston, a member of the House, being interested in favour of a bill, his vote was objected to, and refused on that ground. In this case, the vote of sir Robert Paston would have been of great importance; for the numbers on the division, with respect to the passing of the bill, were 81 and 80.—He had not met with any other precedent decidedly in point until 1797; and then he came to one which might, perhaps remove the doubts of some hon. members, as to the possibility of drawing a distinction between private interest and public duty. It would be recollected, that the subscribers to what was called the loyalty loan sustained a considerable loss by the fall in the price of the scrip; and, to afford the original subscribers relief, a bill was introduced by Mr. Pitt to give them a bonus of 5 per cent on their stock. In the progress of the bill, an objection was taken to the votes of several members who were known to have subscribed to the loan; on the ground that they were personally interested in the success of the measure. The objection was taken by the late Mr. Sheridan. A reference being made to the Chair on the subject, the Speaker said, "I have always understood the rule and practice of the House to be, that no member can regularly (subject to some qualification) vote on any question which involves in it an immediate interest of such member. But, when any measure is submitted to the House, the substance of which is to confer pecuniary advantage, or diminish a loss, which is the same thing, I am satisfied it is not consistent with that mode of proceeding which the House has adopted on occasions of delicacy and importance, that any member should vote on a measure by which he intends to derive any benefit, in case that measure should be carried into a law. It was impossible not to consider the bill before the House as a measure of the former description." Mr. Manning—who was then, as now, a member of the House—and other members of the House, thereupon stated, that as they were subscribers to the loan, and might be considered interested in the passing of the bill, they would not vote on the question, and they accordingly withdrew. Another hon. member—the late Mr. George Rose—who was a subscriber to the loan, remained, and his vote was directly challenged by Mr. Tierney. He rose and declared, that he did not mean to accept the bonus which was intended to be given by the bill, and contended that he, therefore, could not be considered as being interested in the measure. Having thus divested himself of any personal interest in the bill, the vote of the hon. member was allowed. These proceedings, however, met with considerable objection at the time. Mr. Ryder, a member, argued, that the rule which had been laid down by the Speaker, would, if pushed to its utmost extent, prevent members from voting upon all measures of taxation; for every man was interested in preventing the imposition of burthens upon himself. After considerable debate, reference was again made to the Chair. The Speaker then stated, that "the cases put by the hon. member were all cases where the interest of members was merely eventual along with those of the rest of the community—the rule laid down was, as to a direct and immediate interest." Now, he thought the distinction laid down by the Speaker in that case was clear, explicit, and rational, and might be followed on all future occasions. Another instance of challenging the vote of a member occurred in 1811, with respect to the Grand Junction canal bill: but he would pass that by, and come to another which occurred in July of the same year, when a bill, called the Bank-note bill, was brought into the House, the object of which was, to render Bank-notes current throughout the country. On that occasion the hon. member for Appleby, then member for Thetford (Mr. Creevey), objected to the votes of 45 Bank proprietors—that was the number in the House then—on the ground, that as the operation of the bill would increase the property of the Bank of England, they, as proprietors, were interested in its passing, and should not be allowed to vote. Mr. Manning, who was the governor of the Bank, said to the House on the part of the proprietors, "We may or may not

be interested in the measure, but it is not one which we have asked for: the measure has been introduced by government, on the ground that it is necessary for the general welfare of the state, and not for our immediate and direct interest, consequently we ought not to be deprived of the right of voting on the question." Appeal being made to the Speaker, he said, "The rule was very plain. If they opened their Journals, they would find it established 200 years ago, and then spoken of as an ancient practice, that a personal interest in a question disqualified a member from voting. But this interest, it should be further understood, must be a pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of his majesty's subjects, or on a matter of state policy. So it was, that on a canal bill, a person whose name was down as a subscriber could not vote. On the same principle, the question raised on the loyalty-loan bill was rightly decided; for that was neither more nor less than to give a pecuniary remuneration to persons who had sustained a loss. It was equally clear, that the House had done well on questions of taxation or colonial policy, which were held not to disqualify any votes. Such was the law on the subject. How far the fact applied to the present case he left it to the House to decide." The question was then put, and negatived without a division.—He would now direct the attention of the House to another case explanatory of the practice of the House, which he had omitted to quote in the proper place. In 1623, a bill was brought in, entitled, "An Act for reversing and making void a decree made in the Chancery, against the master and fellows of Magdalen College, Cambridge, and John Smyth, lessee, at the suit of the earl of Oxford, and others." Sir W. Earle moved, that Dr. Gooch, the master of the college, ought to withdraw, he being a party interested in the bill. After some discussion, a resolution passed, that Dr. Gooch should be heard, and then withdraw. He would mention another case of some importance. In April, 1621, a bill was introduced, entitled, "An Act for the Improvement of Trade." An objection was taken to the votes of members of corporations, on the ground that they, being connected with monopolies, had a personal interest in opposing the bill, and the House determined that the objection was good.—Having stated these precedents, he left it to the House to decide whether it would not be desirable that they should place themselves in such situation as to convince the country, that every measure introduced into that House would receive a fair and impartial consideration. Without detaining the House longer, he would submit a resolution drawn up in the words of the former Speaker, in the case of the loyalty-loan bill, namely, "That no Member shall vote for or against any question in which he has a direct pecuniary Interest."

Mr. *Littleton* said, he had no doubt that the hon. member was correct when he said, that he had found great difficulty in coming to a determination as to the mode of treating this question. He had no doubt, that when he first gave notice of his motion, the hon. gentleman did not anticipate the difficulties which he afterwards experienced. He hoped the hon. member would give him credit for sincerity, when he said, that he was as strongly impressed as any hon. member could be, with a conviction of the necessity of maintaining the individual character of members of that House, when he reminded him that, two years ago, he had given notice of a motion somewhat similar to that which the hon. member had submitted to the House. But that motion he had been obliged to abandon, because he found that the objections to it were insuperable. His motion was, however, confined to the finding a remedy for that which he still considered a serious evil; namely, the manner in which private business was conducted in committees up stairs. In the House private interests were merged in the great mas of unbiassed opinion, and could produce but little effect; but, in committees on private bills, nobody but the parties interested ever thought of appearing; and it was there that the mischief was done. He thought that the House would gain nothing by departing from its ancient usage; which it would do by the adoption of the motion. Under the present system, this advantage was apparent—that it was well known what individuals were interested in any measure before the House. Votes on private bills were so seldom challenged, that members did not think it necessary to conceal their interest in particular measures. But, when once the present motion should be carried, members would be driven to resort to evasive measures.

They would buy shares in the names of friends, and so have an opportunity of advocating their private interests in that House, under the pretence of performing a public duty. In many instances the interests of county members were identified with those of their constituents; and yet the effect of the motion would be, to deprive those constituents of the services of the individuals who could best advance their object. There was another circumstance which might arise from agreeing to the motion. Members might purchase an interest in one of two rival undertakings, in order to avoid being called upon to perform a duty in that House which might give offence to parties out of doors. For these reasons, he thought it better to leave the ancient usage of parliament untouched, and to allow every member to act as he felt due to his own character and honour. That, in his opinion, was the only moral restraint that could be imposed upon practices which certainly brought discredit on the House. He would therefore move the previous question.

Mr. *Grenfell* complained, that he had been disqualified from voting on a question of great public importance on a former evening, because he was known to have a private interest in the measure. It so happened, too, that on the very day when he had been disqualified, one of the hon. members for Grampound had signed a petition against the measure from the London-dock company, in which it was stated, that the measure affected their pecuniary interests. Now, the principle of exclusion ought to be applied to both sides, or not at all—to those who had an interest in opposing, as well as to those whose interest it would be to support any measure. In his opinion, it would be extremely unwise to accede to the present motion; for if it were agreed to, half the time of the House would be wasted in finding out what members were interested in the measures before the House. In the interim, however, until the disqualification of his vote on the St. Catherine's-dock bill was rescinded, he should avail himself of every opportunity to apply the same principle of disqualification to all members who might have a direct interest in opposing any measure brought before the House.

Mr. *Sumner* said, that if the amendment had not been moved, he had intended to have proposed a resolution, declaratory of the opinion of the House, that it was derogatory from the honour of a member to vote in any question wherein he had a peculiar interest. As it was, he would vote for the amendment.

Sir *M. W. Ridley* thought it would be advisable for the House to pass some declaratory resolution of the nature alluded to by the hon. member for Surrey, as a guide for their conduct on all future occasions. He would vote for the amendment, in the hope that some such resolution might subsequently be proposed.

Mr. Secretary *Peel* expressed his regret, not that the motion had been made, but that there should have been any necessity for making it. He thought it would be extremely difficult to come to any resolution on the subject. He intended to vote for the amendment, by doing which, he should not be precluded from hereafter adopting any measure which he should think applicable to the subject. There were three courses which it was open to the House to pursue. The first was, to adopt the motion of the hon. member for Aberdeen; the second was, to pass a declaratory resolution, to the effect stated by the member for Surrey; and the third was, to agree to the amendment proposed by the hon. member for Staffordshire. There were, in his opinion, great difficulties in the way of the adoption of the original motion. In the first place, without entering into any nice disquisition, the right of disqualifying members from voting was one which the House ought to exercise with great caution. Honourable members were sent to that House to perform duties to others. He was not certain that if he were called upon to come to a decision on the question à priori—that was to say, if there were no precedents on the subject—he would ever consent to any law by which a member could be disqualified from voting on any question. He should have felt à priori great doubts of the competency of parliament to disqualify a member from exercising his discretion, even on questions in which he had a direct personal interest. Might it not happen that a member's private interest would be concurrent with the interests of his constituents? He objected to the extension of the principle of disqualification, which was proposed by the motion. ["No;" from Mr. Hume.] If the motion were not intended to extend the law of disqualification, he asked the hon. member, in God's name, to leave it as it stood.

He thought that the hon. member's proposition was to come to them recommended by the consideration of novelty—that it was to determine what was doubtful, and supply what was wanting. Imperfect legislation on the subject—and it was legislation as far as they were concerned—he deemed most unwise. The effect of the motion would only be to divert the influence which was now openly avowed into secret and hidden channels. He thought that the hon. member had not applied himself to the correction of the great evil of which there was cause to complain—he meant the outrageous system of canvassing for votes on private committees. That which was a matter of notoriety was not so much to be dreaded as that which was transacted in privacy. If he knew any member to be interested in a measure, he could challenge him before the House, and put it to his honour whether he could give his vote on the question; and such an appeal would not be made in vain. He certainly would prefer to the motion such a resolution as that proposed by the hon. member for Surrey; although he was not prepared to say that he would adopt even that. If such a resolution should be agreed to, it would lessen the power which the House already had over its members. It was better that the House should have the power of deciding upon each individual case that should be brought before it, than to lay down any general rule on the subject. He did not see that any embarrassment would arise from passing to the other orders of the day. He took the law of parliament at present on the subject to be this—that members who had a direct pecuniary interest in a question should not vote for or against it. It appeared to him, that there was some injustice in that rule; and he was sure that the extension of it might, in some cases, put a stop to all improvement. Since the period of the loyalty-loan bill, the question of disqualifying members from voting had scarcely been agitated. It had only arisen on the present occasion, from the peculiar press of public business. On the best consideration he could give to the subject, he thought the course for the House to pursue was, to agree to the amendment; by doing which they would not tie themselves up from adopting any resolution which might hereafter appear desirable.

Mr. *Hudson Gurney* said, he agreed in every thing which had fallen from the right hon. Secretary; but thought that one of the prevailing practices, in order to procure the support of members of parliament in that House, ought to be noticed, in the severest terms of reprehension. He meant, the custom of the proprietors of all the wild schemes now afloat, offering shares to members—advertizing them by preference as directors, to entrap the unwary; and, as directors, giving them shares to sell at a profit in the Bubble-market. He held in his hand a letter, which had been received by an hon. member, with whom he was connected; and who, having inherited shares in a company of which the receipts were likely to be diminished by the establishment of a rival concern, thought he could not do better than apply for shares in the new project, to secure himself against any injury it might do to the old one:—so getting his dividend, either from the one or the other. By the next post, he received a note, stating, that a certain number of shares were at his service; but ending in these words, "The committee rely on your best exertions, on all occasions, to promote the success of the project." [Hear, hear!] Accompanied by these conditions, he instantly refused to have any thing to do with them; but employed an agent to purchase shares in the open market; where he paid for them just ten times the amount which the directors had, in their note, required of him as deposit. The hon. member said, he did not wish to give any names of parties, as he was perfectly convinced it was no more than a common occurrence. But, the whole system, in all its ramifications, was, in his view, infamous; and called for the most pointed animadversion of the House.

Mr. *Wynn* said, he considered it the duty of the House to throw out any measure, no matter what its object, which had been pressed on the attention of members by means such as those to which the hon. member had just alluded [hear, hear]; and he thought the hon. member would be doing an important service to the country, by giving the name of the particular project, in support of which the application he described had been made [hear, hear, and cries of name, name]. With respect to the object of the hon. member who submitted the present motion, he thought it would, in a great measure, be answered by enforcing what was the law and usage of the House. In his opinion,

that law was, that the vote of any member on a bill in which he had a direct pecuniary interest should not be allowed. There were a great many analogous cases where the principle was recognized. Thus, in a discussion with respect to a member's seat—in questions which affected a member's conduct, and which might afterwards be followed by the censure of the House, or on which an impeachment might be founded, the practice of parliament was, to hear the member in his place; after which he always withdrew, without joining in the vote. He thought it therefore better to adhere to the principle, "quieta non movere," to go on without making any new rule, but let the old and recognized law of parliament take its course. The House, he thought, could not prevent any member from voting; but they might, in cases where he had a direct pecuniary interest, disallow his vote when that fact became known. It would be highly dangerous, he thought, to add to the precedent of extending the principle of disqualification, as if the House had the power of doing so. It had been said, that the principle of disallowing the vote of a member, in cases where he had a direct pecuniary interest, would, in some cases, prevent the House from hearing the man who, perhaps, might be best qualified to give them information on that particular subject; but it should be recollected, that the disqualification, or disallowance, extended only to the member's vote, and that he would, in all cases, retain the right of delivering his sentiments on every subject. On the whole, he thought it would be better to adhere to the old law of parliament on these matters; to deal with each particular case as it might arise; and to disallow the vote of any member, on a matter in which he was proved to have a direct pecuniary interest—that interest to be ascertained by his own declaration.

Mr. *Abercromby* admitted, that the subject was attended with difficulties almost inexplicable. It might be hard to say, that a man should be allowed to vote in a case where he himself had a direct pecuniary interest; but, the objection to his vote, under such circumstance, must be founded in attributing to him motives by which his mind was supposed to be more or less unfairly biassed. If the House adopted this principle, they should carry it further, and apply it to all cases where motives might be supposed to operate on the member's mind. He was satisfied that, if the principle were carried to this length, it would render the House extremely obnoxious to their constituents; and after they were upset, it would be found that those who should come after them would be in the same situation from which they had started. As long as they continued to be human beings, they must be affected more or less in their actions by motives. In some instances those motives were bad; but, in such cases, he knew of no control over them but that of public opinion. That must be the best control in each particular case, and in all cases as they occurred. Why, what would be the operation of the principle now proposed to be enforced? A man who possessed a 100*l.* share in a company, was not to be allowed to vote; but, the constituents of that member might be extremely interested in it, and might instruct him to vote. His refusal would be at the risk of his seat. Thus they would have him balancing the shares on one side, and the seat on the other. Would it not be much better to leave this matter to take its course—to deal with each case as it arose—and not fetter themselves with a general rule which it would be impossible to apply to every case which might arise? If they could not trust themselves to deal with all such cases as they occurred, it would be better for them at once to depart the House, for they had no business there. He admitted that this question was brought on under particular circumstances, and in peculiar times, when speculation had gone to a great height all over the country, and when members of that House were possessed of interests in them to a considerable extent; but, to assert that this would give to their votes a corrupt bias, would be going entirely too far. The safest control, in all these cases, would be that which might be exercised by public opinion in any particular instance which arose. He fully concurred with the right hon. Secretary in thinking, that it would be inconvenient and improper to extend the principle of disqualification. This had ever been his opinion, and he had, on more than one occasion, taken the liberty of expressing it to the House; but, he took the principle further—he did not admit, that the House possessed the right of disqualifying any member, or that it had any authority to expel any one from that House. That was an infringement upon the rights of their constituents, unjust in

its principle, and against which he had ever opposed himself. As to the proposition of the hon. baronet, he did not see how it would remedy any of the evils complained of. The House should deal with each case that might come before it; but he thought it would be somewhat absurd to request members not to do that which was at the same time declared to be highly improper. If he were to point out any measure to the House on this question, it would be to appoint a select committee, to inquire what precedents there were on their Journals for the principle of disqualification, with the view of their being expunged. When he said this, he begged he might not be understood as denying the abuse which existed in committees up stairs. He did not mean to say that these arose from corrupt motives. They rather, in most cases, arose from an obliging disposition, which one individual was inclined to exercise towards another; but, the mischief of it was, that this was exercised, in many instances, without the consideration, that in obliging a friend, they adopted measures highly injurious to the interests of many individuals. It was not at all an uncommon thing—but in this he spoke more from the reports of others than his own personal observation—to hear members, when in committees up stairs, ask each other, "Which party do you support? For whom do you come here to vote?" Now, this was a practice to which he should wish to see the whole weight of public opinion directed; but he thought public opinion alone could put it down.

Mr. *Stuart Wortley* fully concurred in the remarks which had just fallen from his hon. and learned friend, and agreed, that instead of adopting the motion, they ought to appoint a committee, to inquire what precedents of disqualification existed on their Journals, for the purpose of expunging them. He admitted that great abuses existed in the present system of soliciting for votes in committees. This was the main evil; and it ought to be corrected: but he agreed, that public opinion would be found its best corrective. To disqualify a man from voting who had a personal interest in a measure, would disqualify many persons who were the most active and efficient on committees; for, he presumed, if they were disqualified in the House, they would be also disqualified up stairs.

Mr. *Lockhart* objected to the motion, on the ground that it would be injurious in its effects in many instances, and inapplicable in others. He hoped, therefore, the hon. gentleman would consent to withdraw it.

Sir *E. Knatchbull* denied that the business in committees up stairs was carried on in a corrupt or partial manner. If any instances of abuse occurred, what was there to hinder the parties aggrieved from appealing to the House for protection? And he begged to ask, whether any case was known in which such appeal was made without effect?

Mr. *Robertson* supported the motion. When it was well known, that in most of the speculations now afloat in the city, some thousand shares were reserved for the use of members of parliament, he thought it was high time that the subject should be taken into consideration. The fact was, that some of the wildest speculations were encouraged by the expected support of some members of that House.

Mr. *Hume*, in reply, said, that if he was before impressed with the necessity of the measure which he proposed to the House, he was still more convinced of it, after what he had heard in the course of this discussion. It was stated by one right hon. gentleman, that the law of parliament on the question of members being disqualified from voting where they had a direct pecuniary interest, was clear and positive; and this was doubted by another right hon. gentleman. Now, he wished to have the matter set at rest, by the declaration which he proposed. It was not he who violated any constitutional principle in this motion, but those who opposed it. It was admitted, as a constitutional principle, in all our courts, that no man could be received as an evidence, in cases where he had a direct personal interest; and he thought it a violation of that principle that the House of Commons should be made an exception to it. However the motion might be disposed of, his object was, in a great degree gained; for no member had attempted to impugn the general principle for which he contended.

The previous question being put, Mr. Hume's motion was negatived, without a division.

REDUCTION OF DUTIES ON FOREIGN SPIRITS, TOBACCO, AND TEA.] Colonel *Davies* rose, in pursuance of notice, to move for a committee to inquire how far the duties on several articles of foreign

produce might be reduced, without detriment to the revenue. He trusted that if he proved to the chancellor of the Exchequer that, by the reduction of duties on the several articles he should name, the revenue would be increased by the increased consumption, the right hon. gentleman would not object to his motion. The right hon. gentleman had already proposed certain reductions on wine and other articles, for which the country were indebted to him; but, if one great object in some of those reductions was the prevention of smuggling, he thought it would be effected to a much greater extent by the reduction of the duty on tobacco than of that on wine. It was lamentable to perceive the extent to which smuggling had been carried on our coasts, and the evils which had flowed from it. Bloodshed, fraud, and perjury, were in its train; and they would continue to mark its progress, as long as it held out such temptations of large profits as it at present afforded. To prove this assertion, he referred to a correspondence which he had recently had with a magistrate of Sussex, on the fatal effects of smuggling, and also to various sanguinary affrays which had lately taken place in that district. He contended that the greatest revenue which could be procured would be no compensation for the dreadful price at which it was now collected; and that the only way of remedying the mischief was, by repealing the enormous duties which gave rise to it. If the duties on the importation of foreign spirits were lowered, they would not only get rid of this evil, but also of the expense of the preventive service, which amounted to 322,000*l.* a year, and of several vessels of war which were kept on the look-out at sea. He really believed that the revenue would be increased by such a reduction; and he founded that belief on certain parliamentary returns, which showed that, as the duties had been increased, the revenue derived from them had progressively fallen off. The hon. member here read a detail of figures to prove the position he had advanced, and showed from it that at this time, when the duties were higher than they were in 1805, the revenue derived from them did not amount to the same sum. He would not pretend to say what amount of reduction ought to be fixed on, but he thought that the golden mean would be found somewhere about the amount of duty existing in 1805; a year which had been more propitious than any other to this department of the public revenue. He likewise complained that smuggling was much encouraged by the enormous duties levied on tobacco, which amounted to full 100 per cent on its intrinsic value. Though the population had much increased since 1801, the consumption of tobacco did not exceed the consumption of it at that time. In Ireland the case was still worse. The population had increased, within that period, from four millions and a half to seven millions; but though the population had increased one-half, the revenue derived from tobacco had decreased one-half. The commissioners of Inquiry had recommended the reduction of the high duties in Ireland. Smuggling was so much encouraged by them, that during their continuance nothing would put an end to it but hermetically sealing the coast. He then went into a history of the tea duties; stated the amount of revenue which they had produced, both when they were high and when they were low; showed that the consumption had regularly increased as they had been diminished, and diminished as they had been increased; described the effect of returning to lower duties; and contended, that it would be in every respect advantageous to the country. He calculated that the augmentation in the consumption of the three articles which he had mentioned, and the diminution of the expense of collecting the revenue upon them, which would ensue from a reduction of the duties, would produce a saving of 400,000*l.*; but even if they produced no saving, it would be right to make them, since they would put an end to smuggling, and thereby produce good order and tranquillity in the country. With these impressions, he should move, "That a select committee be appointed, to inquire how far the duties on the importation of foreign spirits, tobacco, and tea, may be reduced without injury to the revenue."

Mr. *Curteis* seconded the motion, because he wished to see an effectual check given to smuggling, which had produced much slaughter and bloodshed in the county in which he resided.

The *Chancellor of the Exchequer* said, that if he differed in principle from the hon. member, or if he disputed the substance of the propositions which he had advanced, he should address the House at greater length than he now intended to do. The hon. member had done him no

more than justice, when he described him to be most anxious to alleviate the evils arising from smuggling. He thought that the measures which he had introduced into parliament this session would go along way to produce that effect; and he therefore could not consent to allow them to be taken out of the hands of government, and to be transferred to the management of a committee. He agreed with the hon. gentleman, that when the duty imposed on an article bore no proportion to its intrinsic value, the reduction of it did not injure the revenue to the degree which might a priori be expected, in consequence of the large increased consumption which it occasioned. He had admitted that principle in the reductions which he had proposed on the duties on silk last year, and in those which he had proposed on the duties on wine this year. He considered that he had driven the smuggler from a strong outwork, when he had obtained the reduction of the silk duties; and he thought that he was attacking him in his strongest fortress, when he proposed a reduction in the duties on foreign spirits. Some smaller redoubts would be carried in a few days by certain minor propositions which his right hon. friend near him (Mr. Huskisson) intended to introduce; and he had no doubt that government would, in a short time, be able to introduce such a change into our fiscal regulations, as would greatly diminish the propensity to smuggling. As the government had taken up this subject, and as no reason had been shown why it should be withdrawn from their investigation, he thought he should best discharge his duty by objecting to the motion.

Mr. *Bright* agreed in most of the propositions which had been laid down by the right hon. gentleman; but he thought he might carry his reductions still further than he proposed to do, without inflicting any injury upon the revenue. For instance, why not reduce the duties on tobacco? They were so high as to afford an absolute encouragement to smuggling. The right hon. gentleman had talked of the redoubts and fortresses of the smuggler. Was he aware, that tobacco was his very citadel? In Ireland, these duties had led to smuggling in the most open and extensive manner, as was proved by the 10th report of the commissioners of Inquiry into the abuses of that country. He entreated the right hon. gentleman to attend to the recommendation it contained, and to reduce the high duties now imposed on the importation of tobacco.

Mr. *Hume* considered, that the chancellor of the Exchequer had fallen short of his own principles, in not reducing the duties on tobacco, in which such extensive smuggling prevailed. Ministers, by not interfering, incurred a great responsibility.

Mr. *Hart Davis* said, that if the duty on tobacco was lowered to 2*s*., the revenue would be doubled in England: while in Ireland, it would be fourfold. He hoped the chancellor of the Exchequer would make tobacco the very next article for reduction. With reference to the fair trader, the right hon. gentleman must see, that there was no choice left between the ruin of his character and the ruin of his family.

Alderman *Bridges* said, that smugglers made their calculations as accurately as any merchants. He did hope that the right hon. gentleman would turn his attention to those duties which now served as bounties to the contraband traders.

Mr. *Trant* approved of the cautious course taken by the chancellor of the Exchequer in the repeal of the taxes.

Mr. *Hobhouse* strongly recommended the immediate reduction of the duties on tobacco, and on the other articles to which his hon. friend had adverted. He was exceedingly desirous that the subject should be investigated by a committee; because it was well known, that in cases connected with the revenue, evidence came out before a committee which might be withheld from a chancellor of the Exchequer.

Mr. *Huskisson* felt it his duty to oppose the motion. As to the prevention of smuggling, he was persuaded that that object would be more forwarded by the reduction of the duties on spirits, than by the reduction of the duty on tobacco.

The motion was negatived without a divison.

HOUSE OF COMMONS.

Friday, March 11.

ST. CATHERINE'S DOCKS BILL.] *Mr.* C. Calvert moved, "That all persons who came to the Committee on this bill have voices."

Mr. *Grenfell* deprecated the motion for an open, after the House had appointed a select, committee. From what he had seen of the practice of gentlemen in committees, coming in at the close of the day

and voting on matters which they had never heard discussed, he thought that the interests of any bill would be better attended to by a select than an open committee. This he considered a very unfair attempt, and he would make a stand against it.

Mr. *Hume* thought, that, after a select committee had been appointed on a bill, it was not quite fair to move that it be an open one, without giving a notice of such motion.

Mr. *Calvert* was anxious to have this an open committee, as all others upon which opinions were much divided. It would tend to put an end to the system of canvassing for votes, which had already been carried to such a height. For his own part, he had never canvassed for a vote in those committees. He wished other members could say as much.

Mr. *Sumner* said, that the members already appointed were quite sufficient.

Lord *Folkestone* said, that as to the objection of several members coming in and voting at the close of the day without having heard the evidence, he did not see how that could be remedied, unless by some law of the House, which would oblige all members to hear every thing which was said upon a question before they voted on it. This, perhaps, would not be found very convenient in the House itself; where large bodies of the members were seen coming down at a late hour to vote on a question, of the arguments on which they had heard not a word. He could not see why an opposition should be made to having this an open committee.

Mr. Alderman *Heygate* complained, that none but those known to be favourable to the bill were selected upon it, while not a single member representing places whose interests were hostile to it was named. He therefore would vote, that the committee should be an open one. Indeed, he should wish to see all committees on private bills open, or appointed by the House itself; and not by the members interested in the bill.

Mr. *Huskisson* expressed himself favourable to the bill, as he thought the accommodations which those docks would afford were required by the commercial interests of London and the ports; but, as those interests were very general, he would not wish to limit the number on the committee. He therefore would support the motion, that all who came have voices. At the same time he could not but deprecate those daily discussions, in which motives were attributed to hon. members, while acting in the discharge of duties imposed upon them by others.

The motion was agreed to.

METROPOLITAN WATER-WORKS COMPANY.] The Sheriffs of London presented a petition of the corporation against this bill.

Mr. Alderman *Wood* thought the House was not aware of the manner in which this new company proposed to furnish the water. It was intended to dig wells throughout the metropolis, by which means every private pump would be deprived of water. This fact only came to the knowledge of the corporation recently, and they thought it right to oppose the measure, for the interests of the public at large.

Mr. *Calvert* expressed his apprehensions that these wells, or pits, would be ineffectual, as a means of supplying water, and that, at the same time, they would be injurious, by destroying the supply of water from springs, to several public establishments.

Mr. *M. A. Taylor* observed, that the House might judge of the manner in which some of those new speculations were got up, when he informed them, that the very first intimation he ever received of the existence of this water-company, was his having seen it in a newspaper, where it was ushered to the world, as being under his special sanction. It was true, a gentleman called on him some time before, and, to his great surprise, asked for his opinion about all the water-works and wells in London. He told him what he knew on the subject, and the gentleman immediately observed, that he had a plan for procuring from wells sunk in the city and its vicinity, water of the very purest quality, inferior only to claret as a beverage. He then showed him some plans, by which it was proposed to sink those wells. He asked the gentleman, whether he had considered the depths to which he might have to sink, and the difficulties attending the undertaking? To which he replied, that he had, but he was certain, that with his assistance, they should get through. He then advised the gentleman to take a walk in St. George's-fields, as he was of opinion there was a building in that vicinity well adapted to his frame of mind. Notwithstanding all

this, he was put forth to the world as giving his sanction to this most extraordinary measure.

QUARANTINE LAWS — PETITION OF DR. MACLEAN.] Mr. *John Smith* presented a petition from Dr. Charles Maclean on the subject of the Quarantine Laws. The hon. member bore testimony generally to the capability of Dr. Maclean for discussing the subject upon which he petitioned. There was no man's opinion, upon such a question, by which he would more readily be guided.

Mr. *Wallace* thought it fit that every attention should be given to prevent abuse, or unnecessary inconvenience, from the operation of the Quarantine laws; but he should look with great jealousy at any proposal either materially to alter or to remove them. It should be recollected, that dealing with the Quarantine laws was not regulating a principle, or arrangement, of trade. A single inadvertency might introduce the plague into the country, and be attended with consequences for which remedy would be impossible.

Mr. *John Smith* said, he by no means proposed the repeal of the Quarantine laws.

The petition was then read, setting forth,

"That, Quarantine laws, purporting to be for the preservation of the public health, are founded on the belief that epidemic diseases depend upon a specific contagion; that their object is, to prevent the introduction and spreading of epidemic maladies generally, but more especially of plague and yellow fever; that the means which they employ are bills of health, quarantine, and lazarettos, and in general every mode of separation, seclusion, and restriction; that this system originated in ignorant and credulous times, has been continued without proof, and rests at this moment upon no other foundations than the assumptions of the sixteenth and seventeenth centuries; that with respect to yellow fever the doctrine of contagion has, by the experienced part of the medical faculty, been for some time abandoned, and that even those who still persist in maintaining it, admit that precautions against this disease are unnecessary in England; that the petitioner trusts he shall be able, even within the compass of a petition, to adduce to the House sufficiently strong grounds for concluding that plague cannot be propagated by contact, that its cause is incapable of being imported, that that cause cannot therefore be a specific contagion, and consequently that Quarantine laws are without an object; that in a Plague-hospital of Constantinople in 1815 the result of a free intercourse upon a large scale between the sick, and persons in health, was proof that the disease is incapable of being propagated by contact, arithmetically as nineteen to one, and that other unequivocal instances of a similar result are within the knowledge of the petitioner; that during the 140 years in which the commerce with Turkey was carried on by the Levant company, previous to the establishment of Quarantine in this country, as well as during the 104 years in which Quarantine has existed, in all 244 years, no disease has been occasioned in consequence of importation by ships, or goods, or persons, into England; that with respect to the last great epidemic of London in 1665, which happened in the interval, 159 years ago, its phænomena have distinctly assigned to it a place amongst epidemics, excluding it, of course, from the number of contagious diseases, the laws of these two classes of maladies being not only dissimilar but opposed; that contagions not being limited to soil, it would have been quite impossible, did the supposed virus exist, that it should not have been in a constant course of importation in the 20,000 vessels that must have arrived in British ports during the first of the above periods, from countries liable to epidemic diseases, and in the 30,000 vessels that must have arrived during the last of these periods, could communities survive such ordeals; that the petitioner humbly submits that the entire absence from sickness among the crews and passengers of 50,000 vessels in 244 years, and among the expurgators of goods in 30,000 vessels in 104 years in England, is proof that pestilential contagion had not been shipped in any one of these vessels, for if it had been shipped it could not have invariably become extinct on the passage, nor could Quarantine have prevented its affecting the persons on board, and that it had not been shipped in any one of the numerous cargoes which were imported during that long period of time from countries, in some of which epidemic diseases were almost constantly prevailing, is proof that it does not any where exist; that the House will readily perceive that a specific contagion could not continue to

prevail for a long series of years in any one country, without its being conveyed to every other with which that country had intercourse, whether by sea or land; that the non-importation of the cause of plague into England by sea, and into Persia by land, at those times in which it was raging in Turkey, is therefore a most unequivocal proof that that cause is not a specific contagion; that, to reconcile these and other contradictions with which the system abounds, or rather of which it is composed, the doctrines have been invented of susceptible persons, susceptible goods, susceptible seasons, and susceptible countries, of which the House will not fail at once to perceive the absurdity; that, with a similar view, it has been assumed that the supposed virus of pestilence possesses the faculties of self-generation, sleeping, waking, dying, resuscitating, with many other properties equally marvellous; that, in principle, Quarantine laws very much resemble our ancient laws against witchcraft, recently repealed, with this material difference in practice, that whilst they are infinitely more destructive, they have not, however, fallen into disuse; that, as the petitioner has proved at large in works which are before the public, these laws are, in times of pestilence, a powerful additional cause of sickness and mortality, as well as in other respects highly injurious to many of the best interests of communities; that they impede science, produce immorality, obstruct travelling, restrict commerce, navigation, and manufactures, occasion the failure of expeditions and the destruction of armaments, are injurious to the general consumer and the public revenue, and are capable of being, as they have sometimes been on the continent of Europe, rendered subservient to the purposes of despotism; that the detriment which has been sustained by this nation in direct charges of Quarantine, in losses by detention of ships, goods, crews, and passengers, and in consequence of restraints upon commerce and navigation generally, during the 104 years that this singular system has been in operation, must have been enormous; that at home, only, the annual direct charges of Quarantine have for the last 20 years averaged nearly 30,000*l.*, and that the losses by detention of ships and cargoes, according to the number (857) detained last year, may be computed at about 200,000*l.* annually, independent of similar charges and losses, probably in a greater degree in the colonies; that the evils of these restrictions are incomparably greater in countries where, from the more frequent recurrence of pestilence, they affect life, as in our colonies in the Mediterranean, than where, from its less frequent occurrence, they, for the most part, only affect property, as in England; and that their operation in the colonies is the more calamitous from the dread habitually entertained of pestilential contagion by the inhabitants; that the dread of being abandoned, and the consequences of actual abandonment, when a person is seized with the disease, prove almost certainly fatal; and that many of our friends and relations in the colonies have thus become the victims of deplorable delusion; that in this point of view the delay of even a single season in putting an end to this system would, the petitioner humbly apprehends, be matter of infinite regret; since, were a pestilence of any severity in the mean time to occur in the colonies, many lives and much property might be sacrificed: the Petitioner therefore most humbly prays, that the House will be pleased to repeal the Quarantine laws, being without an object, as an absolutely demonstrated evil, as a code eminently anti-commercial, anti-social, and anti-christian; or, should doubts still remain sufficiently strong, in the opinion of the House, to justify hesitation; that the House will be pleased, before any legislative measure of a permanent character shall be adopted on the subject, to direct the public mind, being now better prepared for the discussion and for any consequent change, to a new investigation into all the obtainable facts which may bear on either side of the question, respecting the validity of the doctrines of pestilential contagion."

Ordered to lie on the table.

DUTIES ON THE IMPORTATION OF IRON, COPPER, &c.] Mr. *Lawley* presented a Petition from the Chamber of Commerce at Birmingham, for a Reduction of the Duties on Iron, Copper, and other metals.

Mr. *Littleton* supported the petition.

Mr. *Whitmore* concurred in the prayer of the petition. The measures which ministers had taken to remove the shackles which had hitherto impeded our commerce, were fraught with wisdom, and merited the warmest approbation of the country.

Mr. *Huskisson* said, he should, at no

distant day, have an opportunity of stating fully to the House the views of his majesty's government with respect to the introduction of that material, which formed one of the most essential branches of our manufactures, as well as of other minerals. The views of the government would continue to be sedulously directed to the removal of those duties which were called protecting, but which were, in fact, the greatest impediments to the extension of our commerce. The hon. member for Stafford was aware last session, that it was in the contemplation of government to repeal the duties on foreign iron, at a time when the deficiency of the supply to meet the growing demand was not felt. With respect to the other metals, undoubtedly the high price at which they were supplied was a great impediment to the growth of our manufactures, and the continuance of that high price would certainly endanger our commercial prosperity, in respect to those branches of our manufactures. It was his intention, therefore, to propose, a reduction of the present duties on copper, and other metals, which were employed in our manufactures. He trusted, that on communicating with those who were interested in copper and other mines, he should find them equally disposed to accommodate their views to the great interests of the country, with those who were connected in the iron trade.

Mr. *Tremayne* had no wish whatever to oppose principles of free trade. At the same time, he hoped his majesty's government would proceed with caution. A large capital had been embarked in copper-mines, on the faith of a continuance of the existing system. All sudden revulsions were to be dreaded, and a great influx of foreign copper might produce the most mischievous effects.

Sir *R. Vivian* hoped his majesty's government would not proceed too precipitately in a measure of so much importance to the commercial interests of the country.

Mr. *Grenfell* said, that no views of private interest should induce him to withhold his assent from the liberal principles on which his majesty's government had lately acted. He trusted, however, that they would proceed with caution.

Mr. *Maberly* hoped that a measure of so much importance would be preceded by inquiry and investigation.

Ordered to lie on the table.

ARMY EXTRAORDINARIES—CAPE OF GOOD HOPE—LORD CHARLES SOMERSET.] The House resolved itself into a committee of Supply. On the resolution, "That 620,000*l*. be granted to defray the Extraordinary Expenses of the Army,"

Mr. *Hume* begged to know in what manner a former grant of a similar kind, in respect of the military establishment at the Mauritius, the Cape of Good Hope, &c. had been applied.

Mr. *Wilmot Horton* said, that the commissioners, who were pursuing their inquiries in the colonies, had taken occasion, in their report to government, to express their entire satisfaction at the manner in which the grant in question had been disposed of.

Mr. *Hume* felt the more anxious for explicit information on this head, because there was no British colony which had so much reason to complain of its governor, as the Cape of Good Hope; none in which the settlers had been more oppressively or unjustly treated; and no governor whose arbitrary and highly improper conduct was more to be reprobated than lord Charles Somerset [hear]. If the statements that had been published respecting the course adopted by that individual—(and he had seen a great many such statements)—were true, lord Charles Somerset ought not to be continued any longer in his government. His conduct seemed to have been not only most arbitrary to the colonists, but most hostile to the liberty of the press. It was to be hoped, therefore, that the report of the commissioners would be immediately communicated.

Mr. *Wilmot Horton* assured the hon. gentleman, that the commissioners were as actively engaged in the prosecution of their important inquiries, as men could be. Whenever their report should be received, there would be, on the part of the colonial department every disposition to meet the object adverted to. But, if the hon. gentleman expected that all the statements which had met the public eye respecting the individual in question, and recent transactions at the Cape, necessarily exparte as those statements must be, were to receive an answer from him, the hon. gentleman's expectations would be disappointed. That hon. member on a former night had said, that all the complaints which had been preferred by the settlers at the Cape to the Colonial-office were received with indifference and contempt

—that all their applications were unattended to. Now, this imputation he denied in the strongest manner; and he challenged the hon. gentleman to adduce a single instance, in which such complaints had not been made the object of careful examination by the Colonial-office.

Mr. *Hume* desired to repeat his conviction, that the conduct of lord Charles Somerset had been so very reprehensible —so entirely contrary to the interests of the settlers, and the welfare of the colony at the Cape—that the colonial department ought by no means to have continued him in his government up to this time. He knew, indeed, that some of the individuals aggrieved had received a partial remuneration for the ill treatment which they had been subjected to. The editor of a journal published at the Cape had been allowed to return; but had been refused any remuneration for the losses he had suffered; and he must say that in continuing lord Charles Somerset in such a situation, the colonial department had manifested very little regard for the interests or the feelings of the colonists.

Mr. *Wilmot-Horton* said, that when the report should have been communicated to parliament, the colonial department would be in a condition to meet any specific charge which the hon. gentleman might bring forward.

The resolution was agreed to.

Mutiny Bill.] The House having resolved itself into a committee on this bill,

Mr. *Sykes* rose to repeat his objections to the practice of flogging, so prevalent in our military service, and which was comparatively unknown in the armies of foreign nations. It had been argued, that the practice was necessary in the British service, because our army was recruited from the manufacturing districts, in which the habits of our people were immoral and irregular; but, for his part, he did not see that persons brought from those districts were more untractable than the average of the population. He would read a letter from a correspondent who stated, that he had met a soldier whom a guard was conducting to the hospital from his wounds in consequence of his having just received 300 lashes. He had heard the screams of another victim, who was also receiving 300 lashes, and of a third who had received a similar punishment. The writer also alluded to a soldier who had died of the punishment he had received. It was at least the duty of the House to see that this practice was not carried to so great an extent.

Colonel *Johnstone* objected to the inequality of the present principle in its application. There were regiments in which 100 lashes were more than equal to 300 lashes as given in other regiments for similar offences.

Lord *Palmerston* was not an advocate for corporal punishment, but was convinced that, to a certain degree, it was absolutely indispensable. Our army was recruited not by proscription, but by volunteers, which might account for the circumstance that the discipline of the French army was not so complete, and their punishment not so severe as ours. Every effort, consistent with the discipline of our forces, had been made, to decrease the amount of corporal punishment.

Mr. *Hume* stated, that corporal punishment was unknown in the French army, and yet their discipline was so excellent that the duke of Wellington had held it up as an example to our own troops.

General *Hope* stated, that the necessity of corporal punishment arose in a great measure from the practice in our army of drunkenness; but from the regulation adopted by the commander-in-chief, of paying men weekly, this source of offence would be greatly removed.

Captain *Maberly* suggested the introduction of the tread-mill as a substitute for corporal punishment.

Mr. *Hudson Gurney* thought this a fit opportunity of adverting to the practice of enlisting soldiers for life in the British army, whilst, in every other service, they were enlisted for a term of years. The arrangements of our army seemed to be harsh and unjust, in the same ratio that our civil institutions were otherwise. He thought this a grievous and crying evil; and one to which the House ought to give its immediate attention.

Lord *Milton* said, he should not enter into the details which had been adverted to by the hon. member for Hull, or the last hon. member, but would once more protest against that which appeared to him to be the most objectionable of all; namely, the immense increase which it was this year proposed to make in our standing army. That increase had been hitherto wholly unaccounted for; the ground taken by the gallant member for Southwark not being at all satisfactory,

and, as far as he could judge from our relations abroad or our situation at home, wholly uncalled for. He was unable to see any danger in any quarter which could call for such an increase. With respect to what had been said as to the enlistment of soldiers for life, the hon. member for Newport was not probably in parliament when, nineteen years ago, that measure was moved in that House. He knew the quarter from which that measure then originated, and he would venture to say, that it was from the same quarter that the present increase proceeded—not from the administration generally, or the financial part of it, but solely from the military part of it. He was almost tempted to lament the present prosperity of the country, when he witnessed the purposes to which that prosperity was prostituted. He was quite sure that if the country gentlemen felt the same pressure of distress that they did some years ago, they would never consent to this military increase. From some cause or another, there had been always shown a strong disposition to increase the military force. Was it forgotten with what reluctance ministers consented to reduce the army to 60,000 men? Since then, half that number had been added, although no cause, either at home or abroad, had been referred to, to warrant it. In 1819, upon frivolous pretexts, the army was again increased; and now advantage was taken of the first moment of returning prosperity, to carry through the favourite project of an increase in the military. Surely ministers ought at least to give the country a moment to breathe after all its struggles. He did not object to the chancellor of the Exchequer's system, because eventually the changes in the duties on wines, &c. would increase the revenue; but his reductions of the taxes were not such as would materially relieve the burthens of the people. Nor did he expect that the chancellor of the Exchequer would be able to relieve those burthens so long as these consecutive measures for the increase of the army were forced upon him.

The *Chancellor of the Exchequer* complained that the noble lord had made an allusion to some one as the secret author of the present propositions relative to the amount of the standing army; but he felt it incumbent upon him to say, that a more complete error had never been promulgated in that House. If any blame was to be attributed to the administration for the amount of that army, he was bound to avow himself as culpable as any one. The present military establishment was designed, not as substitute for the ancient mode of governing the people, but solely with a view to guard the empire against accidents, with respect to its foreign possessions.

Mr. *Robertson* denied that any reason was to be found, either in the arguments of ministers or the state of Europe, to warrant any augmentation of the army.

CRUELTY TO ANIMALS BILL.] Mr. R. Martin moved the order of the day for the second reading of this bill.

Mr. *Heathcote* said, he felt bound to oppose the bill. He had listened to the statements of the hon. mover upon former occasions, but he confessed he had heard nothing which, in his view of the subject, called for the enactment of such a measure. The hon. mover had, on a former evening, detailed to the House, in a most affecting manner, the many injuries inflicted on the bear, which had been for so long a time baited at the Westminster pit. Now, he had been induced, by curiosity, to pay a visit to this bear, and he declared that a finer animal of the kind, or a more prosperous and hopeful set of cubs, he had never seen. The fact was, that this bear had been continually baited for six years; and they had been at last obliged to discontinue baiting him, because he had grown too fat for the exercise. The hon. member had also indulged the House with a history of the cruelties practised upon a greyhound by a French surgeon; that statement, however had since been contradicted in the public journals. If such a bill as this was to to pass, they were also bound to prevent the cruelties practised in coursing, hunting, shooting, and fishing. He would ask any hon. member—and he should like to hear the casuistry by which the question would be evaded—whether there was any more cruelty in baiting a bear with one or two dogs, than there was in hunting a stag with ten or twenty couple of hounds. If parliament put down bear-baiting, dog-fighting, and such sports, and allowed stag-hunting and other rural amusements to be continued, then might it indeed be said, that they had one law for the poor and another for the rich. It was known that his majesty himself kept stag-hounds, and encouraged an indulgence in that sport. Many hon. members then in his

eye also had packs of stag-hounds and fox-hounds, and were therefore, upon the principle of the hon. member for Galway, as much liable to a charge of cruelty as the proprietor of the Westminster pit in Duck-lane. He hoped the House would not interfere to the prevention of those hardy sports of the field, in which English gentlemen indulged, but which, in fairness, must be suppressed, in the event of the hon. member's bill passing into a law. He would move, as an amendment, "That it be read a second time on that day six months."

Mr. *Carus Wilson* supported the bill, and said a few words against the practice of cock-fighting.

Mr. Secretary *Peel* said, he felt bound to oppose the second reading of this bill. His hon. friend—to whose kindness of intention no man was more ready to bear testimony than himself—seemed to have adopted the motto—"nihil humani a me alienum puto." But, if the hon. member wished to prevent all cruelty to animals, let him bring in a bill to prevent field sports of every description, and he could at once understand it; but he confessed that he did not see upon what ground monkeys, and badgers, and bears were entitled to a distinct and separate legislative enactment for their protection. Let them for a moment compare bear-baiting with stag-hunting, and they would find that the former animal had a considerable advantage, because he was allowed the use of his natural powers, and was only attacked by one or two dogs, whereas, before a stag-hunt took place, they deprived the animal of his horns, which were, in fact, his only effectual means of resistance, against the twenty or thirty couple of dogs by which he was pursued; in consequence of which the poor animal must be worried to death, unless the huntsmen happened to be in time to save him by calling off the dogs. He would ask his hon. friend, whether there was any thing more cruel in dog or cock-fighting than in pigeon-shooting? A gentleman made a wager of 200 sovereigns with his particular friend, that he would kill the greatest number of pigeons in a given number of shots; and pigeons were accordingly provided and shot at with a double-barrelled gun, without mercy. Was not this as cruel as any treatment to which a monkey or a dog was exposed; and yet how was the cruelty to be remedied? If, then, they could not provide against that which might be called cruelty, in every case, why were they to interpose legislative enactments for the protection of a certain privileged class of animals? Why were the monkey and the bear to be protected, while the fox, and the stag, and the hare, were subject to the most unrelenting persecution? His hon. friend's bill stated:—"And be it further enacted, that if any person shall, after the be concerned or engaged in, or shall promote or encourage, or any wise promote or encourage, or aid or assist in promoting or encouraging, any bear-baiting, dog-fighting, monkey and dog-fighting, or badger and dog-fighting, or cock-throwing or cock-fighting, or shall in any manner wantonly and cruelly beat, abuse or ill-treat any of the above-mentioned animals, or any domesticated animal, it shall be lawful for any person who shall witness such offence, to apprehend such person so offending, and to convey such offender before any justice of the peace or other magistrate within whose jurisdiction such offence shall be committed," &c. This clause, if carried into a law, would open a door to the practice of a wanton and oppressive tyranny; for nothing more was required than the information of any evil or designing person, to cause the conviction of any person who might be accused. But, there was another clause which was still more oppressive. It was this. "And be it further enacted, that if any justice of the peace, or other magistrate, shall witness such offence as aforesaid within his jurisdiction, it shall be lawful for him, on his view, to commit and punish the party or parties so offending, in such a manner as he might do under this act upon information and proof made before him of such offence." Here was the establishment of a severe and most oppressive tyranny. By this bill, a magistrate would have the liberty of the poor man at his disposal. For any gentleman in the commission, perhaps, after having dined upon crimped cod, and after having devoted the whole of his day to fox-hunting, aye, and when about to sleep upon feathers plucked from a goose when still alive, might turn round upon any unfortunate individual who thought proper to amuse himself in his more humble way, and at once punish him, without hearing any evidence or allowing any appeal. In his kindness to brutes, he would entreat the hon. member not to forget that part of the animal creation to which he himself belonged. With respect

to Dr. Magendie, a gentleman of great professional skill, and to whom the hon. member had called the attention of the House on a former night, he must observe, that that statement had received a full refutation. But, supposing it otherwise, they all knew that the advancement of science required such experiments, and he would ask, would his hon. friend take into custody, and fine or imprison, the men by whom they were made? If the statement of the hon. member respecting Dr. Magendie were correct, he would not put himself forward as the defender of that gentleman; but, on the other hand, he should pause before he attempted to stop such experiments, by unnecessary acts of legislation. Such enactments ought at all times to be viewed with suspicion; because the principle upon which they were founded was a most dangerous one. He opposed this bill, because he thought it unnecessary—he opposed it, because he thought it would have the effect of creating a privileged class of animals—he opposed it, because it went to debar the lower classes of society from those amusements, which persons of rank and station were to continue in the enjoyment of. If the hon. member wished to repress all cruelty to animals, then let him include in his bill, hunting, shooting, and fishing, and he should at once understand what he was at. In 1822, he the hon. member introduced and passed a bill to prohibit cruelty to animals. This year he came down with a fresh bill; and, if he succeeded in that, he would come next year, and say, "I find that there are still some animals unprotected, and as you have already given your sanction to two bills, and thereby acknowledged the justice of the principle upon which I go, you are bound to give me your support." He called upon the House not to allow themselves to legislate upon such subjects. The evils complained of would be done away with, by the growing intelligence and refinement of the country.

Sir *J. Mackintosh* said, he had hitherto confined himself to silent votes in support of this question, but he felt that upon this occasion, he should act an unmanly part, if he shrunk from his share of the misplaced censure with which the supporters of the bill had been met. It appeared to be the argument of the hon. and right hon. members who opposed this bill, that because it would not have the effect of protecting all animals from cruelty, it ought not to protect any, and that all ought to be left to the humanity of individuals. This was not, however, the light in which the bill ought to be viewed. The question was, whether that House was called upon to interfere for the prevention of gross and wanton cruelty? There was not in that House, any member more opposed to petty and trivial legislation than he was; but he felt that the former bill introduced by the hon. member, was not deserving of such a character; on the contrary, he felt that it had been productive of great diminution of cruelty to animals. The enactment of such measures would sink deeper and deeper into the minds of the people, and would, in the course of time, when aided by the diffusion of education and enlightened principles, be productive of the most beneficial effects upon that particular class of society whose habits of unnecessary cruelty the present bill was intended to repress. There were certainly some evil habits which it was found worse than useless to attempt to repress by penal enactments. He would instance gaming, which had gone on and flourished, notwithstanding all that had been done to repress it within the last three centuries. The measures used to repress it had, in fact, only given an advantage to the dishonest and desperate character, by encouraging dishonesty and fraud. As the laws had been found inoperative, so were the punishments inflicted in opposition to every principle of justice. Of what avail was it to fine the keeper of a gaming table 5,000*l.*, or send him to the treadmill, while the men who gamed at the house were publicly known, and allowed to go at large? He would vote for the second reading of this bill, because he felt it called for; any defects contained in it might be rectified in the committee.—He admitted, that much evil might be done by the prejudices of certain classes, and the readiness of public writers to pander to those prejudices. Anatomy, which was the basis of sound medical knowledge, was suffering from them. It would very soon be out of the power of the English student to finish his education at home. He must seek in the schools abroad for those accommodations to his studies which hitherto had attracted foreigners to our shores. What would the great practitioners in physiological science have done, had they been impeded in their examinations as the practitioners of the present

day were likely, by the growth of those prejudices, to be impeded? The immortal Harvey could not have made his luminous discovery upon the circulation of the blood without the aid of practical anatomy. No man would accuse him of encouraging cruelty to animals; but still he would say, that, of all the acts of authority which man exercised over the inferior order of animals, none was more excusable, for none was fraught with greater benefit, than the performance of those scientific experiments, the object of which was, to mitigate suffering, to remove disease, to establish health, and to prolong life. He would not shrink from any obloquy which might attach to his support of experiments, by which science was improved, and the sum of human misery was lessened. The process which led to this perfection in science was harsh, but the results were beneficent.—He would say one word, with respect to the learned and highly distinguished physiologist, Dr. Magendie, with whom he had the honour to be acquainted. He was no judge of the importance of Dr. Magendie's discoveries, but the concurrent voice of all those who were judges of these matters was loud in his praise. He believed that the hon. member for Galway had noticed the most aggravated parts of those experiments; but he must be permitted to observe, that none of these experiments, however cautiously and humanely performed, would bear discussion. When he was residing at Paris, he was introduced to Dr. Magendie, by their mutual friend, baron Humboldt, and, being in a state of ill-health, was attended by him, as his physician. It had been his misfortune to have suffered much from illness; but he always felt, as a considerable alleviation of that misfortune, the genuine sympathy, the true kindness, the unaffected tenderness, which he had constantly experienced from the able and intelligent medical practitioners whose advice he had sought. But he was bound in justice to say, and he should be base and ungrateful if he did not state the fact, that he never had been treated, amongst medical men, with greater care and tenderness than he had received from Dr. Magendie. He had no doubt, therefore, that if that gentleman had inflicted pain on any animal, it must have been when in the ardent pursuit of science, and with the hope, if not the conviction, that his experiments would be generally beneficial. He most fully agreed with sir Everard Home and Mr. Abernethy, that the experiments on living animals were only to be tolerated on the ground of absolute necessity, and that all that were not induced by that cause, ought strongly to be condemned. However, he did not think that such a subject could properly be made the ground of legislative enactments, but must be left to the humanity and feeling of the men of science engaged in performing the experiments. To the prosecution of these, this bill offered no obstacles, being only intended to prevent wanton cruelty, and he should, therefore, give it his cordial support.

Mr. *George Lamb* said, that, though no friend of bull-baiting, he still felt inclined to oppose the second reading of this bill. The bill formerly introduced by the hon. member for Galway had a specific object, which daily experience proved to be necessary; namely, that of compelling drovers, carmen, and coachmen, to abstain from wantonly and cruelly tormenting the animals committed to their care. This bill had no such recommendation. He agreed with the right hon. Secretary, that the moment the legislature attempted to interfere with the sports of the people, they must do it upon grounds equally applicable to the rich and the poor. His learned friend had spoken of the games at which this bill was levelled, as not being the sports of this country; but he could show that they had been patronized by the great and powerful, centuries ago. Evelyn, describing a bull-bait that occurred in the time of Charles 2nd., stated, that "One of the dogs was thrown so high, that he fell into the lap of a lady of rank in the second gallery. Two dogs were killed. The sports ended with the ape on horseback; and I retired wearied with the filthy scene, which I had not witnessed for many years." That might be called gross, though, from the account given, the sport seemed to have been much admired by the court at the time. But that was not all, for, in the year 1702, under the gracious reign of a female, another specimen of that sport had been exhibited. He would read to the House a paper which he had found among the papers of a Vice-Chamberlain of queen Anne. Why or how it came there he could not tell. Whether the sports of the day, especially of the bull and bear baiting kind, were under the special control of the chamberlain, was a point which he would not now discuss, but simply content himself with reading the paper:

It was decorated with the royal arms, and after being dated as from "the Bear Garden at Hockley in the Hole, nigh unto Clerkenwell Green;" it went on, "This is to give notice to all gentlemen and lovers of game, that on the 17th day of this present month of April, 1702, the following sports will be exhibited at this place:—first, a battle between two dogs, at one guinea each, one from a part of Middlesex, and the other from Cow-cross. The dog that shows the finest and fullest game, and comes the cleanest into hand afterwards, wins all. After that there will be a mad bull let loose with fire-works all over him, and two or three cats tied to his tail: also other varieties of bull-baiting and bear-baiting, beginning at two o'clock in the afternoon.—Vivat Regina" [a laugh.] He did not quote these instances in approbation of such proceedings, but merely to show that they had been encouraged as national sports. He conceived they ought not to legislate on this subject. It was interfering unnecessarily with that, the cure of which should be left to that great corrective—education. For his own part, while there were persons who liked to be amused in this way, he would rather see them so amused, than not amused at all.

Mr. *W. Smith* said, he differed entirely from the opinion of his hon. friend. If there were any persons who could be amused by such exhibitions as were described in the paper which his hon. friend had read, he trusted they would never be amused while they were in existence. Much good had been done by the exertions of his hon. friend the member for Galway, as might be seen in every market in London; and he hoped he would persevere in his humane efforts. The bill had been opposed, because it was said to interfere with the sports of the poor alone, and had been spoken of as an innovation. Now, the interfering with the sports of the poor, and leaving those of the rich untouched, was no innovation, for the legislature had, in one instance at least, suffered the rich to have their dances when and where they pleased, while at the same time, they had expressly forbidden the poor the enjoyment of a similar privilege. No one could doubt the effect produced by these sports on the morals of the people. The bull-fights in Spain were the subject of comment of every Englishman who had visited that country; and yet these same persons, though they could see the bad effects produced by the bull-fights in that country, could never be led to consider the evils resulting from the bull-baitings allowed in their own. He had no doubt, that in Spain such exhibitions, had been productive of the most mischievous effects; that the people accustomed to see the wanton shedding of the blood of animals in their theatre, had thus been prepared to witness the shedding of human blood at the auto da fé. Such a supposition was by no means improbable—it was not taking a greater step than that exhibited by the inimitable Hogarth in his celebrated "Progress of Cruelty," where a wretch began his career, by pinning a cockchafer, and concluded it by the murder of the unhappy woman he had seduced.

Mr. *R. Martin* replied. He said, he thought it was no answer to him to say that he had not gone far enough, and that he ought to have legislated to put an end to the sports of the field. Such an argument, instead of being applied to him by the Home Secretary, was peculiarly calculated to be addressed to that right hon. gentleman himself. If stag-hunting was as that right hon. gentleman had described it, then was there a sufficient justification for him to call on that right hon. gentleman to exercise his influence in the government to put an end to such a barbarous sport. And he did, therefore, call on the Home Secretary to do so, and to begin the salutary reformation by recommending to the king, whose adviser he was, to put down the royal hunt, and dimiss the royal stag-hounds. If that event took place, no one could doubt that it would produce a most beneficial effect on the morals of the people; as it might lead to the putting down of other stag hunts which annually took place in the neighbourhood of London. The argument, that he had not by this bill done all that ought to be done, was no answer to his claim to do as much as was possible at this moment, any more than telling a man who attempted to save one hundred out of eight hundred persons on board a sinking ship, that he could not preserve all, would be a sufficient reason to induce him to abstain from attempting to rescue any of the 800 from a watery grave. He considered that the places of amusements in London where these cruelties were exhibited, formed a nucleus for the greatest villains in the world. Had the gentleman who opposed this measure asked the opin-

ions of the aldermen of London, the magistrates of Middlesex, or of any other magistrates? He would himself answer that question in the negative; for he knew that nearly all the magistrates in the country were in his favour. It had been said, that the House, by passing this bill, would be legislating on the people, and on their sports. If that were so, he was against the sports of the people; but it was a consolation, that if they were legislating against the sports of the people, they were legislating with the people on their side; and, on behalf of the unvitiated population of England, he claimed the enactment of the law. The House had received petitions from all parts of the country in favour of the proposed measure. Indeed, no man could properly vote against this bill, unless he would go the length of saying, that no cruelty exercised on animals ought to be the subject of legislation. One word as to professor Magendie. He did think the experiments of that professor most horrid and most wanton. He did not mean to say that experiments ought not to be permitted where they were for the discovery of any latent point of science, that would materially benefit man by being discovered. In such a case he thought they ought to be permitted; but with respect to those which he had stated to have been performed by Dr. Magendie, he did not mean to declare, that they could lead to no practical benefit; that they had been performed by the doctor a thousand times, before in Paris; and that they were only exhibited here to produce a dramatic effect. Against the supposed propriety of such exhibitions he had produced the testimony of the first physician and the first surgeon in this country; and to their opinion he could now add that of the regius professor of anatomy in the university of Oxford, who thought it was doing good to the country to call the attention of the public to these matters. Indeed, he should be content to be called a wicked maligner of character, if he could not produce from the works of professor Magendie himself a strong condemnation of that conduct which the professor had lately pursued here. The circumstances which he had related of the professor were substantially true. It made little difference as to the real question, whether the experiment had been performed on a spanial or a greyhound, for in one case the professor had selected a spaniel, whose organs of smelling were so much finer than that of other dogs, for the purpose of making his experiments on the nerves, by which he could entirely destroy the sense of smelling even in that animal. He knew that what was spoken in that House was privileged from the action of libel; but he desired, in order to try the real merits of the question, that such an action might be brought, and with the view of enabling professor Magendie to commence the action, and to obtain evidence to support it, he had gone down that day to St. Bartholomew's hospital, and had there repeated the statement, as nearly as possible in the terms in which he had before made it in that House. But what signified it whether the dog was a spaniel or a greyhound. The distinction reminded him of a scene to which he was witness within the walls of Newgate. A man who had been condemned for murder protested to the ordinary that he was guiltless of the crime laid to his charge, and that to execute him for it would be an act of murder. The ordinary said—"You have been found guilty on the evidence of many witnesses of beating out the brains of your wife." "True" replied the prisoner, "but I was charged with having beaten out her brains with a mallet, whereas I only beat them out with the pole-axe. I am therefore a murdered man." Just of the same nature was the distinction taken between a spaniel and a greyhound, in reference to the present argument. He knew for a fact, that Dr. Magendie, while performing one of those barbarous operations on a dog in England, placed his mouth close to the ear of the suffering animal, and said, patting it with his hand, "restez tranquille;" then turning to the spectators, he added, "Il serait plus tranquille s'il entendait Francais." But it was unnecessary to trouble the House with the mention of any further cases. He would, therefore, leave the question to rest upon its own merits, having answered the objections which had been urged against it.

Mr. *Wilmot Horton* said, that the bill formerly introduced by the hon. member was directed against wanton acts of cruelty; but the present was directed against cruelty which was only incidental to amusements. He could not, therefore, give it his support.

Sir *F. Burdett* said, that, as every body agreed that a beneficial result had ensued from the former bill which the hon. member had introduced, he thought it should

naturally lead to the conclusion, that they could not do harm in going a little further with him. It was not, he thought, fair to draw any comparison between field sports and those sports (if they could be so called) which the hon. member desired to put down. The former were conducive to health and activity—every faculty of the body was called into action in their pursuit; but the latter were mere spectacles of unmixed barbarity — animals being set to tear each other to pieces, for the gratification of a multitude who stood passively looking on. It appeared to him very strange that in the course of the discussion the most important part of the subject had been overlooked—he meant the injurious effect which such scenes had on the morals of society. Putting all other considerations out of view—considering that he was not legislating on a principle of humanity towards brutes, but for men—he could not avoid giving his support to the bill. The persons who joined in the sports which would be affected by it, were the very nuisance of society. The neighbourhood where the sports were pursued was the worst in the metropolis. The common law of England justified the principle of interfering with regard to any thing which had a tendency to injure the morals of the community, and cruelties were in principle punishable by common law at the present moment. The object of the bill was merely to carry that principle into effect, in those atrocious cases which shocked the public morals. He did not think that the powers of the bill would be abused. On the contrary, he feared that they would fall into disuse, unless the hon. member for Galway could appoint a successor as industrious and persevering as himself, to see its enactments carried into effect. For these reasons the bill should receive his cordial support.

Mr. *F. Buxton* supported the bill.

Sir *M. W. Ridley* opposed the bill, because he could not consent to sanction the preamble, in which it was asserted, that it was necessary to put down these sports.

Sir *T. Acland* considered these sports calculated to form such heartless, cold-blooded characters, as had assembled in Cato-street.

The House divided: For the second reading 32; For the amendment 50; Majority 18. The bill was consequently lost.

HOUSE OF LORDS.

Tuesday, March 15.

SPRING-GUNS-BILL.] The order of the day was moved for committing the Spring-Guns bill.

Lord *Suffield* said, that, previously to going into the order of the day, he wished to present for a first reading a bill intituled "An act for making feloniously stealing vegetable productions larceny." This bill was occasioned by the conduct which had been pursued the other night by the noble duke, who, acting with more zeal than discretion, proposed a clause for prohibiting the setting of spring-guns in gardens. Their lordships would recollect, that this was going beyond the object of the bill he had introduced; the provisions of which extended only to plantations, and places for the preservation of game. The clause of the noble duke would, however, put the question on a very different ground from that in which he wished to place it; as it went to the total abolition of spring-guns in every case. He must again say, that he was sorry the noble duke's zeal had carried him thus far, because, if he should succeed in introducing his clause, it would induce many noble lords to oppose the passing of the bill. Though the noble duke was accustomed to scenes of horror, no one would presume that he had therefore become hardened to human suffering. Neither did he mean to accuse him of acting with insincerity in this business; but the argument which had been used in support of the clause certainly was a most strange and inconsistent one, as it had for its foundation the fewness of the accidents which the noble duke alleged arose from the use of spring-guns. Now, that there was little risk of an innocent person being injured by spring-guns could scarcely be an argument for prohibiting their use in enclosed gardens. Supposing, however, that the noble duke were insincere, then he must acknowledge that human ingenuity could not have fallen on a better mode of defeating the bill. He was unwilling to attribute any thing unhandsome to the noble duke. It did, however, seem, that that noble person was practising a ruse de guerre; which was certainly quite in his own way, but which hardly ought to be carried on in parliament in such a case as the present. The number of accidents occasioned by spring-guns set in plantations was notoriously great; and though the noble duke was

just the man to stand in the breach where danger was, he hoped he would not throw himself into the breach to defend spring-guns. To employ artifice to defeat the bill, was not what he should expect from the noble duke. If that noble person now resorted to artifice, when did he learn to employ it? He could see no traces of it in his conduct on other occasions. At all events he must have acquired it since the date of the Convention of Cintra which he had signed at the head of a victorious army. He hoped, however, that the noble duke would not insist on carrying a clause which would defeat the object of the bill. With regard to the bill he now proposed for a first reading, if it should be agreed to by their lordships, it would then become his duty to introduce another, for prohibiting the use of spring-guns in gardens. As to the frequent occurrence of accidents by spring-guns, that was a fact which could not be doubted. During the last week he had received an immense number of letters, the writers of which expressed their astonishment that the noble duke should be ignorant of the mischief done by spring-guns. Three cases had recently come to his knowledge; but he would not at present trouble their lordships with the details.

The Duke of *Wellington* said, he did not rise to defend himself against any insinuations which the noble lord had thrown out respecting transactions in which he had been engaged — insinuations which were perfectly unparliamentary [hear, hear]. He said perfectly unparliamentary, as they had no relation to the subject under the consideration of their lordships, but to his conduct before he was a member of that House. To such insinuations, he would make no reply. But, with regard to the bill in question, he must say, that he did think it contained a very unfair insinuation against country gentlemen, who might wish to preserve their game by spring-guns, rather than by gamekeepers, because the latter mode was not so consistent with their fortune as it might be with that of the noble lord opposite. He thought it was not right for the House to suffer such an insinuation of cruelty against the country gentlemen to pass. That he did intend to oppose the bill when he came down the other day, he would not deny; but, when he heard the statement of legal authorities made by the noble lord on moving the second reading, he reconsidered his opinion, and came to the conclusion, that if the principle was right, it ought to be extended further. On the meeting of the House he had stated, that he would propose the very measere which he had moved in the committee; and, if he was not greatly mistaken, the noble lord then said he had no objection to it in principle. He wished to deal fairly with the noble lord, and would tell him, that if the bill were made applicable to garden grounds, it would be lost; but that was no affair of his. The fault was theirs who introduced a measure of such a nature, that when it was proposed to extend the principle, it was found to be so unfair that it could not be applied beyond an individual case. Whenever the measure came to be considered in the committee, he should insist upon its being made applicable to all enclosures on this principle, that small country gentlemen should not be deprived of the only means they had of protecting their game.

Lord *Suffield* hoped their lordships would allow him to vindicate himself against the charge of having done any thing unparliamentary. In the discussion of a public measure, he thought it perfectly fair to urge the argument which he had employed: the tendency of which was to show, that if the noble duke was taking a by-way in order to defeat the present measure, such a course was not to be expected from him, and that an open opposition would be more consistent with his character. As to what the noble duke had said of the necessity of spring-guns for preserving the game of country gentlemen, that reminded him of his having often heard the same arguments in private; but he must say, that he allowed it little weight. He should be sorry if what he said gave any offence in the quarter he alluded to; but it did appear to him, that country gentlemen not being able to preserve game legally, was no reason for permitting them to preserve it illegally.

Lord *Malmesbury* suggested, that the measure should be confined to prohibiting setting spring-guns, except during the night, and at certain distances from the public road. With these limitations, the bill might be made general. There was some difficulty in knowing where to stop, and how to distinguish between covers, orchards, and gardens. He had never set spring-guns himself, and never would.

The Earl of *Liverpool* observed, that

the first bill to which the noble lord had called the attention of the House was that which proposed to make stealing in gardens larceny, and to the motion for reading that bill a first time he had no objection. The noble lord had also given notice of his intention to bring in another bill, to prohibit the setting of spring-guns in gardens. He certainly could not see much reason for shooting a man for stealing fruit, any more than for stealing pheasants, and he was therefore in favour of the prohibition; but he thought that the better way of accomplishing this object would be that suggested by his noble friend; namely, the ingrafting a clause on the other bill, which was to be committed.

Earl *Grosvenor* wished their lordships to consider, as they had all agreed to the principle of the measure, whether it would not be better to pass the bill in the form in which it had been originally introduced, than with the amendment of the noble duke. Those who thought with the noble earl, that the principle of the bill should be extended, might then give their support to the bill for prohibiting spring-guns in gardens, which his noble friend had promised to introduce. He hoped their lordships would not, by adopting the amendment, defeat a measure, the principle of which they universally approved.

The Marquis of *Salisbury* did not see the expediency of having separate bills, when all the points might be incorporated into one enactment. He thought that amendments might be introduced for enabling gardeners to protect their property without endangering the lives of his majesty's subjects. As to the measure proposed by a noble earl for setting spring-guns only in the night time, he did not consider that it could be attended with the desired effect, for great depredations might be committed in the open day.

Lord *Suffield*, in reference to the debate of a former night, observed, that his course of proceeding had been misunderstood by some noble lords. It was then proposed to extend the principle of the Spring-gun bill to gardens; but to obviate this difficulty in the progress of that bill, he promised to bring in a specific bill for the protection of gardens. This promise, as their lordships now saw by the bill just read a first time, he had endeavoured to perform. He could also lay before their lordships, if necessary, a statement of the law relative to gardens; some of the absurdities of which had been described on a former evening by the learned lord on the woolsack, and also by the noble earl at the head of his majesty's government. He put it to their lordships, whether the bill ought not to be read a first time and then left on the table, as an earnest of that more general system of legislation which was in contemplation.

The Duke of *Wellington* begged to remind the noble lord, that he had opposed neither the second reading of the bill, nor its going into a committee, and as yet he had not heard any opposition to the clauses which he moved to be included in it. The noble lord would find, on investigating the matter, that many accidents had been prevented by these instruments, and much property saved from depredation. If country gentlemen were deprived of the use of them, they must employ more gamekeepers and watchmen to protect their property, which would be attended with greater expense and with a greater loss of life.

Lord *Ellenborough* thought, that if upon any occasion it had been expedient for the House to negative the first reading of a bill, the present was one which seemed more particularly to invite that course. He had no doubt that the loss of human life would be much greater after the bill should have passed, than it could be under the state of things which existed at present. If their lordships had resolved to legislate against all the accidents by which the lives of men were endangered, there could be no limit to the task they had undertaken. He believed that the number of fatal accidents which happened every year from the careless laying about of loaded guns, without the most remote intention of doing mischief, was far greater than those which happened from spring-guns. He wished, at least, that some exception should be made in favour of such places as were surrounded by continued fences, and which, therefore, could not be entered under any misapprehension, nor indeed with any but a felonious intent. The gardens in the neighbourhood of London principally owed their security to the engines which were set in them; and, whatever might be said in favour of the principle of the bill, he had no doubt that its practical consequence would be, to lay the whole of those gardens in particular open to the depredations of the thieves with which London abounded.

The Earl of *Lauderdale* said, that the

subject was one which required the attentive consideration of their lordships, and wished that a general bill should be brought in to embrace the whole of the objects which it was intended to effect by the several measures at present before the House. In order to accomplish this, he would suggest to the noble mover, the propriety of contenting himself with having the bill now read for the first time, and postponing the committee, by which an opportunity would be afforded for the consolidation he recommended.

The *Lord Chancellor* thought that, whatever might be the advantages of the consolidation suggested by the noble lord, they could all be obtained by means of such alterations as might seem necessary in the committee. The law as it stood afforded some protection to the owners of gardens and orchards. By an act, as old as the reign of queen Elizabeth, robbing orchards was made an offence; but, owing to the youth of the persons by whom it was most commonly committed, the provisions of that act were rarely carried into effect. An act of the late king had provided against trespasses committed in gardens, by subjecting the offenders, in the first instance, to a penalty of 40*s*.; in the second, of 5*l*.; and in the third, to transportation. Still, however, it seemed desirable that the law upon these points should be made more clear and simple; and to effect this an opportunity would now be afforded, if it should be their lordships' pleasure to go into the committee.

Lord *Holland* thought, that none of the objections which had been urged should induce the House to refuse the committee. It was acknowledged on all sides, that there were many difficulties in the way, which his noble friend had endeavoured to remove by the several bills he had now brought and intended to bring in. If it should appear in the committee, that the same object could be gained by a less cumbrous mode of legislation, and that the difficulties could be removed with equal certainty, his noble friend would, he was sure, readily acquiesce in any measure which the committee might be enabled to discover. At all events, their lordships would, by this means, be put in possession of all the points of the subject; and the result would probably be, that some plain and simple enactment would be agreed upon.

The bill was then read a first time. After which, the House resolved itself into a committee on the bill brought in on a former occasion.

The Earl of *Liverpool*, in accordance with what had fallen from him on this and a former evening, moved an amendment, in order to render needless one of the bills brought by lord Suffield, by rendering the measure against the setting of spring-guns and steel-traps in game preserves, general, and making it illegal to place them in gardens, orchards, and nursery-grounds, for the protection of property.

Lord *Ellenborough* contended, that gardens, orchards, and nursery-grounds, ought to be excepted from the operation of the bill, inasmuch as the owners of property in them had no other means of protecting it, but by destructive engines of this sort, set rather in terrorem, than with the intention to inflict bodily injury.

Earl *Grosvenor* wished the bill to continue in its original shape. If it were altered as proposed, he feared it would not pass the other House of parliament.

Lord *Holland* was of opinion, that the owners of gardens, orchards, and nursery-grounds, were entitled to some protection. If it were not given them by making stealing in them larceny, he thought that within walls, or where the fences were sufficient, they ought to be allowed to set spring-guns and steel-traps.

The Earl of *Harrowby* supported the amendment for making the law general, and not applicable merely to game preserves.

The Earl of *Liverpool* added, that his reason for making the law general was clear. Steel-traps and spring-guns endangering life, were not a proper protection for property, and therefore he wished that their use in all situations should be discontinued.

The committee then divided on the earl of Liverpool's amendment. For the amendment 28; Against it 5; Majority 23. It was accordingly carried.

HOUSE OF COMMONS.

Tuesday, March 15.

METROPOLITAN FISH COMPANY BILL.] Several petitions were presented against this bill.

Mr. *Calcraft* rose, to explain an inaccuracy into which he had fallen upon a former evening when speaking of this company. There were in fact three fish companies, whose objects were nearly similar, and in endeavouring to detect the

real Simon Pure, he had happened to take up the wrong prospectus. The mistake, however, which related to the connection which he imagined to exist between this company and the Dutch fisheries was immaterial, and did not at all affect his argument against it. The effect of this and every similar company was, to take the bread out of the mouths of industrious individuals, and it was upon that ground principally that he opposed it. The public would derive no benefit from these companies, as they already procured fish at as cheap a rate as the nature of the commerce would allow. There were many respectable names attached to this company. If lord George Seymour, Mr. Mocatta, and other respectable persons chose to become fishmongers, he could have no possible objection; but he felt a strong objection to their uniting for the purpose of ruining the poor but honest and industrious individuals, with whose means of subsistence the monopoly of such a company would materially interfere.

Sir *J. Yorke* agreed, that it was extremely iniquitous to interfere with the hard earnings of a class of persons whose calling was honourable, and of great antiquity, as it was followed by the apostles.

Sir *E. Harvey* contended, that the House ought to protect those who were engaged in the fisheries; as they were a fine race of seamen, who would, when occasion required, be useful to our navy.

Mr. *Curteis* denied that the new company interfered with the fisheries at all. They were purchasers of fish, and would, therefore, be useful to those who were engaged in that trade.

Mr. *Bernal* thought the prospectus of the company a mere delusion.

Mr. *T. Wilson* said, that the company had, in his opinion, been subjected to much undeserved obloquy. Those who formed it were most respectable. And what was their object? To give cheap fish to the inhabitants of the metropolis. Was there any thing reprehensible in such an object; and would it be contended that it was uncalled for? As far as his experience went, the practices of the fishmongers in London were occasionally most nefarious. He had been informed, that it was not unusual, when there was a superabundance of fish, to throw it into the river, in order to prevent the price which they had chosen to lay upon it from being lowered. The object of the company was, to counteract this system, by giving to the public the benefit of all the fish that came into the market.

Mr. Alderman *Wood* said, that the effect of this bill would be a monopoly in the sale, and not in the catching of fish. An agent was appointed at a salary of 2,000*l.* to buy up fish; and it was evident when so much capital was brought into the market, that fish would rise, instead of becoming cheaper.

Mr. *J. Smith* thought that much good would arise from the establishment of this company.

Ordered to lie on the table.

Thames Quay.] Colonel Trench moved, "That leave be given to bring in a bill for building a Quay and Terrace Carriage Road on the northern shore of the river Thames, from Craven-street, in the Strand, in the city of Westminster, or near thereunto, to Blackfriars Bridge, in the city of London."

Mr. *Calcraft* expressed his unwillingness to take up the time of the House in opposing what many persons imagined to be a splendid improvement upon the banks of the Thames. A sense of duty must, however, compel him to do so, unless it was proved to him that the projected measure was not so destructive of private property as he was led to believe it was. He had been intrusted with a petition from a most respectable nobleman, whose property would be materially injured if the bill passed. This petition stated that the standing orders had not been complied with, as the prospectus detailing the number of feet which it was proposed to elevate the quay, together with the map and usual references, had not been deposited in the proper office. It further stated, that neither the petitioner nor his tenants, whose property was so materially involved in the projected scheme, had been served with the regular notices. These, if true, were strong facts; and of their truth no doubt could be entertained, when it was known that the petitioner was the duke of Norfolk. His property in Arundel-street, and other parts of the Strand, would be materially affected if this measure passed. In some parts the proposed elevation would reach to the first story of some of his tenants' houses; in others, above it. Under such circumstances, he thought the noble duke and others concerned were entitled to a fair notice. With respect to the feasibility of the measure, he allowed that it made a

very pretty figure upon paper; but, in his opinion, it was extremely improbable, if not altogether impossible, that it could be ever carried into execution. The sum said to be requisite was at first estimated at from 3 to 400,000*l.* Now it was stated that no less a sum than 680,000*l.* would be sufficient; and of this sum it was proposed to borrow 200,000*l.*, not from individuals, but from the liberality of the chancellor of the Exchequer. He had, however, too high an opinion of the prudence of that right hon. gentleman to imagine that he would lend himself to a scheme, which was nothing but a system of delusion from beginning to end. Taking the estimate of expense at even the highest rate, he contended that the sum of 680,000*l.* would be totally insufficient, because they would not only have to construct buildings, but to buy up the interest of those whose habitations were to be taken down. The original plan, too, had been abandoned, because the duke of Northumberland and the earl of Liverpool had objected to it, on account of the inconvenience to which they would be subjected if it had been carried into effect. Why then, he would ask, was the duke of Norfolk to submit to an injury from which those other noble persons had contrived to be exempted? In his opinion, neither the duke of Norfolk nor the commonest beggar in the street ought to submit to injustice. This was a measure which could not be carried on without great individual injury; and he should therefore give his decided opposition to the motion.

Mr. *Hobhouse* said, that, when the project of the gallant colonel was first made known to him, he had felt extremely anxious to support it, conceiving, that if carried into effect it would greatly tend to the embellishment of the metropolis. He had since, however, upon consulting with his constituents, found that it could not be accomplished without serious injury to many of them. The mud-dock contemplated would be a great nuisance, and was quite certain to create miasmata. He was therefore bound to oppose the measure; and he did so with the less reluctance, because, upon mature investigation, he could not but see its utter impracticability.

Colonel *Trench* said, he rose with considerable embarrassment to reply to the charges which had been brought against a measure in which he was personally concerned, but which he could not but consider one of great utility, of paramount importance, and, indeed, he might add, of absolute necessity to this great metropolis. He owed it as a matter of respect and courtesy to the duke of Norfolk, to say, that nothing could be further from his intention than a desire to throw any unnecessary obstructions in the way of the noble duke or his tenants. But, in the course which they had been induced to adopt, the committee had not thought fit to act upon their own responsibility; they had consulted their legal advisers, and upon their advice they had acted. The object of the proposed measure was not the improvement of streets, but that of the navigation of the river. That the latter object would be effected, they had the opinion of the lord mayor and common council, who, as conservators of the river Thames, had carefully investigated the proposed plan, and expressed their decided approbation of its details, and their conviction that it would tend materially to the improvement of property upon the banks of the river. There were two classes, however, who, from different motives, were hostile to the proposed plan. The first consisted of those who were really apprehensive of injury to their property; and the second of those who, without apprehending any essential injury, raised a hue and cry, in order to enhance the amount of compensation for which they might find it convenient to apply. In no case, however, where property was not injured, was there any necessity for the service of a notice. With respect to the proposed plan, it was the anxious desire of the committee, that every care should be taken to protect private property, Looking at it in an ornamental point of view, nobody he, believed, would deny its importance. The Thames was a noble river, but its quays were a disgrace to the city through which it flowed. What a contrast did the quays of Dublin present! His hon. friend had with justice ridiculed any project whose exclusive object was ornament. But he trusted that he should be able to prove, that this measure was not only ornamental, but eminently useful. Upon this subject he could not refer to a better authority than that of an hon. friend of his, who, lately, in speaking of the proposed plan, and referring to the great increase of population which, within the last few years, had taken place in this country, had observed, that the Strand was the

main artery through which the great population of this metropolis discharged itself. This channel was, however, now nearly choked up, and another vent was requisite. Where could this vent be so well sought, as upon the banks of the Thames? With respect to the objection as to the increased expense, the original estimate was 400,000*l.* For this sum it was intended to construct a plain brick-built quay. Upon consideration, however, it was found that for the additional sum, one of granite might be built, which would so materially add to the beauty of the city. For the difference between the sums of 400,000*l.* and 688,000*l.*, it was not intended, as the hon. gentleman had intimated, to apply to the chancellor of the Exchequer; and to shew that it was no visionary scheme, architects of the highest character were ready to undertake the work, under a penalty, for the sum proposed. With respect to the alteration which had taken place in the original plan of commencing the undertaking at Westminster, he could assure the hon. member, that it had not been abandoned from any interference upon the part of the earl of Liverpool. It had been originally intended to stop at Waterloo-bridge. The true and real reason for the abandoning of that part of the project was, that it was calculated to injure Ludgate-hill and the other great leading streets. Another reason was, that at Craven-street they would have been in a hole 27 feet in depth; but an inclined plane of a short space would obviate that objection. He hoped that the House would consider the data upon which the bill was founded, before they came to a determination to reject it; and that could only be done in a committee. Much had been said about the invasion of private property, but it had always been the intention of the committee, that the rights of individuals, whether they were those of the first duke or of the poorest person in the land, should be scrupulously respected, and that ample compensation should be made for any injury that might result from carrying the measure into effect.

Mr. *Croker* said, the measure was described as one tending to produce great public advantages, but it was impossible to enter on the public portion of the subject, without looking at the anomaly of its having been brought forward in the shape of a private bill. It was sought to give it the colour of a public question, in order to avoid the necessity of giving notice to private individuals, whose rights or property might be affected by it. Thus it took either shape, as it suited the convenience of the projectors. At one time it was proposed as a public measure, in order to get rid of the inconvenience that would attend the consideration of it as a private question; and again it appeared in a private form to suit other views of its founders. He did not deny that the project was, in a great measure, of a public nature; but when hon. gentlemen came to that House and appealed to its fairness, its equity, and its candour, surely the individuals whose rights would be compromised by it, were equally entitled to its attention. The project would go to deprive those individuals of every advantage they possessed, except the actual ground; but it would be better to take from them the ground itself, than to leave it a burthen upon their hands, expensive and yet unproductive. He would give an example of the evils likely to result to persons having property on the banks of the Thames. An hon. friend near him possessed property on that part of the river by which the quay was to run., which brought him in at present 400*l.* a year; but, since the project for a quay had been set on foot, he had received from his tenants notice of their intention to quit. Might he not, therefore, appeal to the candour and fairness of the House, and pray for the protection of his property? His hon. friend described the banks of the Thames as a disgrace to the city of London. But, did his hon. friend not know that there were differences of opinion upon most matters, and that upon that in question even poets differed from his hon. friend; one of whom, eulogizing the Thames, had said—"Whose waves are amber and whose sands are gold." His hon. friend had asked, "Are not the quays of Dublin beautiful? Certainly," they were very fine: but, was there no difference between the two cities? Did not the comparative absence of commerce from Dublin afford room for its decoration? A similar reference to the banks of the Seine, had been made by his gallant friend, to which a similar reply, or rather a stronger one, founded on the same cause, could be given. There was another consideration of extreme importance, which he wished to press upon the attention of the House. A very great work on the Thames was then in progress: he meant the re-

moval of London bridge. According to the best opinions upon that subject, the effects of that removal upon the current of the river would be considerable. The opinions of the best engineers had been taken on the subject, but none of them, not even Mr. Rennie himself, although all admitted that an alteration would take place, could say what that alteration would be. Therefore, as in four or five years the starlings of the bridge would be taken away, and the effects ascertained, would hon. gentlemen, to effect any object of taste or even of utility, commence such a project at the present day, rather than postpone it for four or five years? Although friendly to the scheme ultimately, he would appeal to the House and ask, would it sanction such an attempt, until the result of the one to which he referred had been ascertained; and encourage people to lay out their money in the construction of a quay, without knowing whether it could be useful? He should repeat, that although favourable to the scheme ultimately, he thought the House ought to take care that those individuals whose property might be affected by it should be indemnified; and that the project should not be commenced until the starlings of London bridge should have been removed. For these reasons, and to save expense to all parties, he thought the best mode would be to reject the motion for bringing in the bill.

Sir *J. Yorke* argued against the measure, contending that it would create new nuisances rather than diminish those at present in existence.

The Hon. *G. A. Ellis* thought his gallant friend had not been fairly treated. He had heard many arguments in favour of the measure, but not one against it. He hoped, therefore, that the House would allow the bill to be introduced and printed; after which it might be opposed in the committee.

Lord *Palmerston* thought the House ought not at any rate, to reject the proposition of his gallant friend in its present stage. The only question was, whether they should entertain the proposition. The propriety of carrying it into effect, and the particular mode of doing so, would be matter for future consideration. The bill was, in fact, of a public nature, and his gallant friend had been anxious to make it a public measure; but the forms of the House rendered it necessary for him to bring it forward as a private bill. The construction of quays on the River Thames would, in his opinion, be highly advantageous to the public. His hon. friend the Secretary to the Admiralty, had urged rather a whimsical objection to the measure. He had argued, that it would be dangerous to construct a quay on the river, because the building of the new bridge would have the effect of contracting the bed of the river. If it were said, that, after the removal of London Bridge, the river would be increased in its volume, and that its banks would require to be extended, he could understand such anticipation as an argument against the bill; but he could neither understand nor admit the validity of an objection founded upon the contraction of the bed of the river. With respect to the necessity for the measure, he thought no question could arise, for he would call upon any hon. gentleman who should proceed from that House to the eastern extremity of the metropolis, through the great leading avenues, to say, was not the measure called for? If such hon. member were to go in his carriage, he would be obliged to proceed as if in a funeral procession; for any attempt to quit the line would be attended with imminent danger. He had heard of the confusion which followed the battle of Leipsic, where men, horses, and carriages were mingled together; but he could not conceive it possible that that scene could have equalled the confusion daily to be witnessed in the city. He thought any plan, therefore, which had for its object to establish an open channel of communication through the metropolis, was worthy of attention.—Having said thus much respecting the utility of the measure, he trusted he might be allowed to offer a few observations on its claims to support on another ground; namely, the ornament which the proposed quay would be to the city. There was no hon. member who heard him, and who engaged in periodical voyages to the out-ports of the metropolis, to indulge in white bait for example, who did not, in his progress on those little excursions, lament the appearance which the banks of the river presented. Every man who had been in Dublin and Paris spoke in praise of their quays, and drew comparisons to the disadvantage of London. Foreigners said—"Well, we have seen your town, but where is the Thames?" For all these reasons he trusted the House would agree to the introduction of the bill, and thereby afford

full opportunity to the examination of all alleged grievances, and the investigation of all claims to compensation. He hoped his gallant friend's plan would be carried into effect, and that it might be said of him, not, indeed, as was said of a Roman Emperor, that what he found brick, he left marble, but that he found the banks of the Thames covered with mud, and left them protected and embellished with granite.

Sir *R. Wilson* supported the motion, in the hope that, if the measure was found practicable, something might hereafter be done for the improvement of the suburbs; but, in giving it his support in the present stage, he begged to be understood, that if in its progress he found it likely to be injurious to individual interests, he would oppose it. As to what his hon. friend had said about the quays on the Seine and the Liffey, and of those rivers being but small compared with the Thames, he begged to remark that, if his hon. friend had been in St. Petersburgh, he would have seen one of the noblest rivers in the world adorned with quays which would be an ornament to any metropolis.

Mr. Secretary *Peel* fully concurred with his hon. friend that, until the removal of London bridge, the project then under discussion ought not to be attempted. His noble friend had said, that, if the effect of building the new Bridge were to contract the stream of the Thames, this could be no objection to the construction of a quay. But it was impossible to say on which bank this effect might be produced. He had himself seen a man standing on dry ground, under the fifth arch of Waterloo Bridge; and he believed that the tendency of the stream was, to recede from the Southwark side. The likelihood that the removal of London Bridge would tend to increase that inclination, was therefore deserving of attention. His noble friend said, look to Dublin—look to Paris; but the quays in those cities were built upon the natural banks of the rivers. That could not be the case here; and he should object to building into the Thames. If, as his noble friend had said, a foreigner at present asked, "where is your Thames?" where could it be found if the proposed plan were carried into execution? After going down towards the river from the Strand he would find an enormous granite wall, 30 feet high and 30 feet wide. Much had been said of the convenient approach to the city which the projected line of quays would open; but he doubted very much whether a person, having to go from Pall-mall to St. Paul's, would descend Craven-street, and proceed by that route, particularly as he would have to pay two turnpikes. He should request that the measure might be deferred until the effects of the removal of London Bridge were ascertained.

Mr. *Baring* considered the building of a quay on the banks of the Thames not merely a question of ornament, but a measure which was absolutely necessary for the purpose of facilitating the communication between the extreme parts of the metropolis. It must strike every man who had visited foreign countries, that the communication betwe
of this metropolis wa
in almost any city o
the convenience of
less consulted in the
capital of Europe than in many of the insignificant towns on the Rhine. He should give his support to the plan of the gallant member, not only because it was useful and ornamental, but because it was absolutely indispensable for the convenience of the metropolis.

The House then divided; For the motion 85; Against it 45: Majority 40.

ROMAN CATHOLIC CLAIMS — PETITION OF THE UNIVERSITY OF CAMBRIDGE AGAINST.] Lord *Palmerston* presented a petition from the Chancellor, Masters, and Scholars, of the University of Cambridge, against the concession of any further claims to the Catholics. The petitioners declared that, though their apprehensions on this subject had been often previously stated to the House, they had recently been much strengthened by the violent language used by the Catholics in this country. The petitioners discovered, both in that language and in the language used by the Catholics elsewhere, proofs of their entertaining principles hostile to religious liberty. They were convinced that if the concessions which the Catholics now asked were granted, they would lead to fresh demands. They also thought that the measures which they sought to carry could only be devised with the intention of producing a great change in the church establishment of England. They therefore prayed the House not to entertain the question, and more especially not to entertain that part of it which went to admit Roman Catholics into parliament.

Mr. *W. J. Bankes* said, he should be sorry if this petition were laid upon the table in perfect silence, and without obtaining some portion of that attention to which it was entitled on account of the quarter from which it came. On a former night, when the absence of all petitions against these claims was alluded to, as a proof that a great change had taken place in the public mind upon this question, he had taken the liberty of warning honourable gentlemen not to lay too great stress upon that circumstance, as he believed many petitions were at that moment in preparation. In that belief he had not been disappointed. Indeed he had at the time information that the university which he had the honour to represent intended to petition. He would mention a fact connected with this petition, which might give it a stronger recommendation to the notice of gentlemen on the Opposition benches, than it would otherwise possess. Those who were at all acquainted with the institutions of our universities, were aware that it was but seldom that a layman filled the office of vice-chancellor. A layman, however, now filled it, and fully concurred in the prayer of the petition. It was consequently a petition which expressed the sentiments, not merely of the clerical, but also of the lay members of the university, and therefore might be received without exciting the sneers and laughters which had been excited by some petitions on the same subject, for no other cause that he could learn, except that they came from clergymen. He protested against the scoffs and scorns which were cast upon the petitions of the clergy. Considering their education, their rank in life, and their importance in the country, they were entitled to attention and respect. As they were the only class of men who had no persons to represent their interests in that House, it was unfair, impolitic, and unjust, to treat them with ridicule, when they presented to its consideration a humble but honest declaration of their opinions. They were, besides, the only class of men who were so treated; for if a word was said against the army, the navy, the law, or the commerce of the country, numbers of members belonging to those different occupations were ready to start up, and retort with interest the sarcasm on the offender. The clergyman, however, was obliged to silence, and could not defend himself by the eloquence of any of his brethren. He ought, therefore, to be defended by the generosity of the House against sneers and sarcasms; which, if they meant any thing, could only mean that he ought not to come there as a petitioner. He contrasted the different modes in which the petitions of the Catholic clergy, and those of the established church, were received by the House. The former were heard with kindness and attention, and were made the subject of lofty encomiums: the latter were flouted and discountenanced, and all but laughed out of the House. He thought that hon. gentlemen would perform their duty in a more fair and candid manner, by listening to the arguments which the clergy urged against these claims, than by denouncing them without examination as absurd and ridiculous, and by assailing them with laughter as soon as they were brought into the House.

Mr. *Hume* said, that no language had been used by gentlemen on his side of the House, which could warrant the hon. member in asserting, that there was a wish on their part to denounce and get rid of the petitions of the clergy. It would be preposterous for men who professed liberal principles, to adopt such an illiberal mode of proceeding. The hon. gentleman had raised a phantom, which had no existence but in his own mind, for the sole purpose of demolishing it after it had been raised. What he had said regarding the clergy on a former night, he was ready to say again. He had expressed his regret, that the clergymen of England, who were superior to the generality of the people, in education and rank in life, should be a century behind them in mildness and liberality of feeling. With christian charity always in their mouths, they ought to exhibit a little more of christian charity in their practice. Enjoying civil rights themselves, they ought not to seek to debar others from a full participation in them. If there was any difference in the attention which the House bestowed on the petitions received from the Catholic, and the established clergy, it was owing to this circumstance—that the former petitioned for justice, whilst the latter sought to perpetuate injustice.

Mr. *W. J. Bankes* said, in explanation, that the remarks he had made were not so much intended to apply to what had been said, as to what had been done, by gentlemen on the other side. He recollected, that when an hon. member had presented petitions from the clergy of

Essex and Ely against these claims, they were received with a sneering laugh, instead of the fair attention to which they were entitled.

Sir *E. Harvey* begged to observe, that when he presented the petition from the archdeaconry of Essex, which did equal honour to the hearts and heads of those who signed it, it was received with an uproar and clamour which was more worthy of a bear-garden than of the House of Commons.

Mr. *Carus Wilson* contended, that the ridicule thrown upon the petitions of the clergy was most undeserved, as they had always been the guardians of our religious rights.

Mr. *Spring Rice* said, he belonged to the University of Cambridge, and was most anxious not to speak of it in a disrespectful or disparaging manner. He allowed that the petition was entitled to every attention; but, at the same time, it ought not to be taken as speaking the unanimous opinion of the university. He knew that there were a great many of the resident members who dissented from its prayer; and he believed he might say, that among them were some of the most enlightened and popular members of the senate. With regard to what had fallen from the last speaker, about the clergy being the guardians of our religious rights, he thought it savoured more of a Popish than a Protestant doctrine. Every man ought to be the judge of his own opinions; and the best defenders of our religious rights had always been found in the lay members of the community.

Ordered to lie on the table.

CANADIAN WASTE-LANDS BILL.] Mr. *Wilmot Horton* rose to move for leave to bring in a bill for the sale and improvement of Waste Lands in the province of Upper Canada. The principal features of the bill were those relating to the sale of lands, to the apportionment of lands for settlers, to the lending of money to settlers, and the means of providing them with food for a certain period. It was proposed, that a company which had been projected for the purpose of purchasing up those lands, should be permitted to purchase upon a valuation, to be ascertained by commissioners sent out to Canada for the purpose, two of whom were to be appointed by the Crown, and two by the Company. The estimates were to be made on the bases of the general value of lands now unreclaimed. They were now abroad, and the company had proposed to take up lands yearly to the amount of 20,000*l*. In that estimate it had been stipulated, that they were not to overlook such interests in the territory as were vested in the church of Canada. To effect these purposes, the company were to apply to parliament for a bill of incorporation, and empowering them to make such arrangements to this end, as might be considered consistent with the general interests of Canada, and the empire at large. The precedent of the Australian company was that on which the Canadian Waste Land company was to be founded. Such was the general outline of the bill, and the project on which it was founded. When the bill should be before the House, it would be his duty more fully to explain its contents; and he trusted it would, on examination, be found, not only calculated to improve the condition and strength of our colonies in North America, but prove of great and general advantage to the empire.

Mr. *W. Smith* was extremely desirous, that the bill should not be so incautiously framed as to injure or prejudice, the native Indians in the vicinity of these waste lands; as had been the case in the former arrangements made relative to New Brunswick and Nova Scotia.

Mr. *W. Horton* said, there was no reason to apprehend any such results from the enactments of this bill.

Mr. *Hume* expressed his regret that, five years ago, when he had strongly recommended a change in the colonial system, some proposition of this kind had not been made. He had said then, and the result verified his prediction, that the system of emigration held out at the time, would be defeated by the bad system of the colonial authorities, the inordinate demand of augmented fees for individual profit—a system so different from that pursued by the United States in their sale of waste lands—and the other abuses which prevailed in British colonies. He could now support the arguments which he had used five years ago, by the official returns since received from Canada, which showed that out of 39,000 persons who had gone out, only a hundred families had been able to obtain a footing on the waste lands:—so that the great bulk were actually deprived of the intended benefit held out to them in the first instance. If

the present bill, then, were calculated to amend the vices and errors which were the reproach of the hon. gentleman's predecessor in office, it should have his approbation. He would repeat that, for the last twelve or fourteen years, the colonial system had been a disgrace to the government; so much so, that if there was a reformed House of Commons, he would impeach lord Bathurst for breach of duty, and move an address to the king for his dismissal. His reasons for such impeachment would not be confined to the maladministration of Upper Canada, but to the general abuses of the noble lord's system in the Ionian Islands, the Cape of Good Hope, and the other settlements. That was his honest conviction of lord Bathurst's system; and that it ought to have led to a general colonial inquiry, to see if a more efficient check could not be put upon local abuses. Look, for instance, at the Cape, where the grossest and most glaring injustice was daily suffering—where British subjects were transported from thence to Botany Bay, under circumstances of the most aggravated oppression—and where complaints were daily made, which called for redress from any man who had a heart to feel for human misery. He wished it was in his power to do more than utter the language of complaint with reference to these abuses; and at least to remove the inefficient head of the department, who had applied no corrective to them. Respecting the present bill, he was anxious to know whether it was intended to cede or grant to the new company all the Crown reserves and church returns without qualification? Did they mean to sell the land, and leave the new purchasers to retail at their own prices? If they did, they were likely to create a private monopoly, as injurious as the previous system. In fairness, all this ought to be explained in the first instance.

Mr. *Baring* wished to know, whether this bill was intended merely to admit the principle of the proposed change of system, or to enable the Crown at once to execute it in all its details.

Mr. *M. Fitzgerald* was of opinion, that the effect of what had fallen from his hon. friend, was, to create a greater impression in the House and abroad than possibly he himself intended. He had belonged to the committee appointed to look into the subject of Canadian settlers, and that committee had it in proof before them, that the settlers had expressed themselves in warm terms of gratitude to the Colonial government, for the care displayed by it in providing for their welfare, and for the happy condition in which they were now placed.

Mr. *Gordon* rose to repel some of the animadversions which the hon. member for Aberdeen had directed against the noble lord at the head of the colonial department. He could not help considering the use of strong or harsh language as peculiarly unseaonable, when the hon. member admitted that he had no objection to the proposition of the hon. Secretary. The main ground of charge seemed to be, that the measure now proposed had not been adopted years ago; but possibly want of capital or want of a spirit of adventure might have prevented their application before. As to the observations respecting the appointments of colonial governors, that was a cabinet measure, and lord Bathurst was not singly answerable. He would undertake to say that, in all the details of the colonial office, a strict scrutiny was resorted to, in order to ascertain the characters of the servants of government sent out to the colonies.

Mr. *Bright* said, that, as far as the principle of the bill went, it had his most hearty assent, as he considered it a matter of necessity, to advance the progress and increase the population of the colony of Canada; but he trusted, that the bill had been framed on the opinion and advice of the colonial legislature. If that had not been done, he hoped it would not pass this session. He did not know to what extent the grants of land in that country were to be sold; but if, unfortunately, those lands were not properly settled and cultivated, instead of a benefit the measure would prove an injury to the colony. He would recommend, that the 20,000*l.* which it was proposed should be paid to the Crown annually, for a certain number of years, should be applied to pay the expenses of emigration to that colony.

Mr. *Baring* pressed upon his majesty's government the expediency of considering, in good time, what must, of necessity, be the future condition of Canada. It was impossible that it could very long continue to be a colony of Great Britain; for all experience proved, that no colony could, for any great extent of time, continue in that relation to the parent country, the productions of which were similar to the productions of the parent country.

It would, therefore, be wise to consider the propriety of doing that freely and in time, which might otherwise be accomplished after great bloodshed and expense. If his majesty's government lost sight of this important consideration, they would very much misunderstand the best interests of the empire. He begged of the House to recollect, that the colony for which they were then legislating was a narrow slip of land of from 1,000 to 1,500 miles in extent; that its inhabitants were both enterprising and ambitious, and thoroughly imbued with the feeling, common in the new world, for getting entirely rid of the dominion of Europeans. He thought, therefore, that this government should act in time; and he would recommend to them to call on the legislature of Canada to inquire whether they felt themselves strong enough to separate from the mother country, and desired to be set on their own legs. We should thereby ensure the good feelings of those whom we had nurtured and brought up until they could take care of themselves. By such a policy our commercial intercourse with that country would always be attended with advantages. It would also be an act of generosity consistent with the dignity of a great country. He did not think that the interests of either country were promoted by the present bill. It appeared to be brought in for no other purpose than to support a Joint Stock company, established to speculate on emigration.

Mr. *Wilmot Horton* observed, that the principle of the bill did not relate entirely to emigration. That was an incidental part of it.

Mr. *Baring*.—It was to further the views of a Joint Stock company, which was to pay the government 20,000*l*. for fifteen years, amounting in the whole to 300,000*l*.: a sum which, he believed, all the waste lands, in Canada, would not produce, if put up to auction to-morrow. That company, therefore, would be more intent on getting back its 300,000*l*. than on advancing the interests of Canada. He therefore, as at present advised, could not see how the bill could tend to the improvement of that country. He would suggest, that a land-office should be opened in Canada, as had been done in America, where individuals might go and purchase whatever quantity they wanted; and that all land should be put under the management of the local legislature. Such a step would inspire confidence and attachment in the Canadians to a much greater extent than the present bill would do; which he could look upon in no other light than as a Stock Exchange speculation. But, if the present bill were persevered in, a clause should be introduced, that all lands that were not cultivated after a certain number of years, should be surrendered back to the Crown. The country would then have some security, that the monopolists would not hold the land for ever.

Mr. *Robertson* said, that in the event of a union being formed with America and any of the continental powers, against this country, it would require an immense force to protect Canada; which might, after all, be of no avail.

Mr. *Wilmot Horton* said, he had been most anxious to supply all the information in his power, relative to the proposed plan, and he must remind the House, that there was an indefinite extent of fertile land, sufficient to absorb the exertions of any amount of population that might be sent there. The object of the bill was chiefly to place the company in the character of an individual; to enable it, as an individual, to make its bargains in Canada. The framers of the bill certainly contemplated that a large influx of capital into that country, applicable, according to the directions of government, must prove of immense service to it; and it was unquestionably a part of the stipulation, that all those lands which were not settled within a certain period, should be given up to government. Under those restrictions, the company was entitled to settle the lands in whatever way it pleased. The government contemplated the system of purchasing lands, as the most beneficial to the colony, and as a means of introducing wealth into it. With regard to the question of emigration, that was not to be carried on by government; but certainly the colony did not require that poor people should emigrate there, they wanted capital. But he must say, that if the House desired to see the details of the measure, it was competent to any hon. member to move for papers; and then, if any thing objectionable was discovered, there would be some ground for complaint. That could not be considered a monopoly where an equivalent in money was given for the land. The land was to be purchased on a fair valuation, and he did not think that any more satisfactory mode could have been adopted. In whatever point of view he looked at it, he con-

sidered it as a most advantageous measure. The bill was not a consequence of the rage for speculation. It had been introduced early last session; and one of its great benefits would be, that this country would be relieved from a considerable annual burthen. It was, after all, a mere question of sale; and we were not bound to sell more than we could get a good price for. The purchasers were bound to colonise it, and to make good roads. Many persons of consequence residents in Canada, were parties to the measure. Many members of the Canadian legislature, who had been examined with respect to it, were perfectly satisfied; and calculated that it would produce all the beneficial consequences that had been anticipated. He must here be allowed to say a few words in answer to an attack that had been made against the Colonial department, by the hon. member for Aberdeen. Could the hon. member, from his own knowledge, speak as to the merits of any of the facts which he had advanced? If he could not, he had no right to come forward with such direct charges. He could not conceive on what authority he had made his statements. The hon. member was bound, in justice to his own character, after dealing in such sweeping generalities, to come forward with some charge, on which he might be specifically met. The noble earl at the head of the Colonial department deserved the thanks of the House and the country; and the removal of the restrictions upon trade, as well as the just principle of colonization —which were now acted on—entitled that office to approbation; and ought to be sufficient to protect them from the unfounded charges of the hon. gentleman.

Mr. *Hume* appealed to the House, whether he had not brought forward specific motions from year to year, instead of indulging in idle declamations.

The bill was then brought in, and read the first time.

IRISH BANKERS CO-PARTNERSHIPS BILL.] Sir *George Hill* rose, pursuant to notice, for the purpose of moving for leave to bring in a bill to render more effectual the provisions of an act passed last session to amend the 21st of Geo. II. relative to Co-partnerships in Banks in Ireland. As he did not expect any opposition to the measure, he should content himself with making a few observations. The Bank of Ireland was established in 1781, and had been continued subsequently by various statutes passed for the renewal of its charter. Previously to 1821, no desire had been expressed on the part of the public, that the bank should forego any part of its privileges. About that period, however, the trade, manufactures, and commerce of the country had so greatly increased, as to induce a wish that they should forego some peculiar advantages which they had hitherto enjoyed. An agreement was, in consequence, entered into between the Bank and the Treasury, by which the public was relieved from the monopoly. Until last session, however, no attempt was made to take advantage of the agreement of 1821. It was not his intention to contravene this agreement. The most convenient way would be, to permit him to bring in the bill, and then the Bank and the other parties interested, would have a fair opportunity of stating their objections. There was more capital in Ireland than people were generally aware of. Many millions had been lately transferred there from this country, and the exports of last year amounted to no less than 14,000,000*l.* No further proof was wanting of the necessity of increased facilities in the banking business.

Mr. *Dawson* said, he could not omit that opportunity of expressing his conviction of the importance of the proposed measure. He had himself presented no less than six petitions, praying the protection and countenance of the House for the establishment of provincial banks in Ireland. No subject had, for some time back, more completely engrossed the attention of the people of Ireland than this. All parties, Protestant and Catholic, were only of one opinion; and that opinion was founded not alone in the advantages expected from an improved system, but in dire experience of the great mischiefs occasioned by the failure of the banks in the south and south-west of Ireland some few years back. These establishments, hitherto, were founded on principles subversive of public credit and of national prosperity. It was necessary, therefore, that parliament should step forward to oppose some check to so great an evil. So great was the want of confidence occasioned by the frequent failure of private banks, that they had almost totally disappeared. There were not, throughout the four provinces, more he believed, than ten. In England the number of private banks was 530, and in Scotland 128. To these

establishments the prosperity of Scotland was in a great measure attributed; and he wished, therefore, to see the joint-stock principle introduced into Ireland. It could not fail to operate as a powerful encouragement to the agricultural, manufacturing, and commercial interests. It was by no means his wish to trench on the just privileges of the Bank of Ireland; but that establishment must not expect too much from the country: they must not suppose that commerce, trade, and manufactures, were to be sacrificed by a too close adherence to the technicalities of the law. He did not think that their conduct merited so great a sacrifice. When the utmost distress prevailed in Ireland, the Bank did not come forward as they should have done: they made no efforts to relieve the country from the difficulties which weighed it down. It was but lately they had begun to adopt a more liberal manner of conducting business. They did not reduce their discounts last year, until after he had given notice of his motion. It was only since that time they had begun to turn their thoughts to the establishment of provincial branches of their own concern. Every thing they had done, conducive to the advantage of the country, had been extorted from them, by the fear of losing some of the advantages they enjoyed. The measure proposed by his right hon. friend would prove a substantial benefit to Ireland. It was only by removing such monopolies that she could enjoy all the advantages of the Union. He trusted, the chancellor of the Exchequer would see how beneficial the measure was likely to prove. The encouragement that would thus be given to manufactures and commerce could not fail to improve the Exchequer; and by that means, in connexion with the effects arising from liberal commercial principles, enable him further to relieve the burthens of the country. It was not a false prediction to assert, that not one representative from the country, except perhaps his interests were involved in the Bank of Ireland, would oppose the establishment of provincial banks, or be merely lukewarm in supporting the principle.

Sir *H. Parnell* said, the conduct of the Bank of Ireland had not been such as to induce any gentleman to be backward in expressing his opinion. Their conduct had been improper, and inconsistent with that which they ought to have pursued for the interests of the country. Whenever they applied for a renewal of their charter, he hoped all these circumstances would be remembered, and that they would induce parliament to look more narrowly into the policy of granting such monopolies. He could offer no opinion on the measure now proposed, not being acquainted with the details; but, as far as it went, he believed it would be useful. In consequence of the system lately pursued, the number of banks in Ireland had been greatly reduced, and the trade of the country had suffered in proportion to that reduction. He would ask the chancellor of the Exchequer, how far he considered it expedient to keep the law of England different from the law of Ireland with respect to banking regulations? For himself, he could not understand why one system was to be continued in Ireland and another in England. He trusted that on the present occasion, the House of Commons would act with that consideration for the general welfare of Ireland, which the situation of that country demanded, and not allow themselves to be swayed by any private or partial feelings, in favour of any body of persons, however privately respectable they might be.

The *Chancellor of the Exchequer* said, he was as sensible as any man could be, of the imperfect state of the present banking system in Ireland, and no one was more anxious than himself, that a revision of that system should take place. He was most anxious to afford any assistance in his power for the attainment of that object, and he assured the hon. baronet, that in affording that assistance, he would not allow himself to be acted upon by any partiality for any body of persons. In truth he felt none. He was only anxious that, in introducing any measure of this description, they should avoid trenching upon, or in any way violating the charter and compact held by the Bank of Ireland. That charter and that compact he could not allow himself to violate, either directly or indirectly, without the most solid and sufficient grounds. He was the more anxious to be clear upon this point, as his hon. friend (Mr. Dawson) appeared to hint that the conduct of the Bank of Ireland, not being what he wished it, that body might be treated in a manner different from that to which a different line of conduct would entitle them. With his statement he could not agree. It might be that the Bank of Ireland did that which many other bodies had done, namely, look

to its own interests without consulting the interests of the public; but this was no reason why it should be deprived of its privileges. If it was shewn to him that the Bank of Ireland had acted contrary to the objects for which it was instituted; if it was shewn to him that that body had violated its charter; then he would say that it would be right to consult the general interest of the country, without taking that body, or the compact entered into with it, at all into consideration. But, such was not the fact; at least they had no evidence of that fact before them, and therefore they were bound to give all parties fair play and an impartial hearing. Anxious as he was to support any measure which had for its object the improvement of the trade and commerce of Ireland, he, nevertheless, could not consent to any measure which went in direct violation of a charter-right. He could not think it would be advantageous to adopt any such measure under circumstances which would neither be beneficial to the public nor creditable to the legislature.

Mr. *Spring Rice* concurred with the chancellor of the Exchequer in thinking, that if there was any thing in the terms of the charter of the Bank of Ireland to preclude the introduction into parliament of this or any similar bill, the fact of there being such a condition would of itself be a valid objection to the present motion. But, when the right hon. gentleman adverted to considerations of an equitable nature in favour of the Bank, he must beg leave to quote a principle that he had often heard contended for, and that was, that whenever a party set up an equitable construction, he must come into court with clean hands, by showing that he had done his best to fulfil the expressed conditions of the contract. But, up to a very late period, what had been the conduct of the Bank of Ireland? It had been, to refuse those advances or accommodations, without which business must always languish, however unexceptionable might be the security tendered, unless the parties concerned happened to be engaged in the trade of Dublin itself. If they belonged to Cork, for example, or any of the southern districts, however highly respectable they might be, the parties must establish an agency in Dublin, before they could obtain any such advances. Now, the Bank of Ireland did no business at all of this kind under 5 per cent.; the charge of the Dublin agency was about one per cent. more and, what with postages, brokerage, &c., the accommodation to such parties could only be obtained at the rate of nearly 7 per cent. It was the jealousy which the Bank of Ireland felt of the introduction of English capital and capitalists into Ireland, that alone induced it to take any adverse steps to such a measure as this. As to English capital, he did not augur all the benefits which the hon. gentleman anticipated from its introduction, so much as he looked forward to the happiest results from the circumstance of that English capital being to be managed by English capitalists. That circumstance would introduce into Ireland those habits of good faith, regularity, and punctuality in business, which its commercial transactions did at present so much want. Upon this principle it was, that he felt chiefly induced to give his vote for the measure.

Mr. *Trant* rose to state a fact that had occurred not long ago, which went to prove how necessary some measure of this nature had become. A relation of his had a few hundred pounds to remit to England. He happened to reside a hundred miles from Dublin; and there being no private bank between him and that capital, through which he could remit the money, he was absolutely obliged to travel thither with it in his own pocket.

Mr. *M. Fitzgerald* expressed his approbation of the measure. When the Banks failed in 1817 in the south of Ireland, the Bank of Ireland made no exertion to alleviate the distress that followed. They were deaf to the application of many country bankers, who offered good and solid security, though it was not of such a nature as to be immediately convertible. The establishment of Joint-Stock Banking companies could not interfere with their charter; for it was proposed to establish them only in those parts which the Bank seemed to think entirely out of their province. They discounted no paper from the province of Munster, or from any part of Ireland, unless indorsed by a person resident in Dublin. They were told of the capital that existed in Dublin. If there was capital there, it was certainly—the most inert capital he ever heard of. It shewed no life until this measure had been suggested; and then, all of a sudden, they heard of some charitable intentions on the part of the Bank towards the south of Ireland. Nothing could be more advantageous than the introduction of English capital. There was not at present

sufficient circulating medium for the purposes of internal trade. In the south and west of Ireland banking had been established on the most injudicious and ruinous principles. He hoped that a better system would now be introduced.

Mr. *Sneyd* vindicated the Bank of Ireland from the imputations thrown upon it.

Mr. *M. Fitzgerald*, in explanation, said, that at a period of great distress the Bank of Ireland did not afford the relief it ought to those banks that could have given ample security.

Mr. *Sneyd* denied this statement.

Leave was given to bring in the bill.

Irish Butter Trade.] Sir *H. Parnell* said, he should have contented himself with merely moving for copies of all memorials that had been presented to the Treasury, relating to the Butter Trade of Ireland, if the extraordinary interest which this subject had excited in that part of Ireland with which he was connected, had not appeared to require of him a few observations upon the matter. It might be remembered, that he had been before called upon to present a petition on this subject; and he would now beg to assure the House, that it was a subject of much greater importance than it might be at first supposed. The butter trade was carried on in Ireland to such an immense extent as to form an export of the annual value of about 2,000,000*l*. When he stated that this trade was principally carried on by a great number of small farmers and merchants, the House would see that the matter became one still more important for their consideration. In the year 1812, the trade was unfortunately put under a number of very vexatious and mischievous regulations, specified in an act of parliament then passed. Before that act of 1812, other acts had been made, also of a prejudicial nature in themselves; but then, they had not been enforced. In 1812, a bill was introduced—notwithstanding his utmost opposition, and the necessity he felt himself under of repeatedly dividing the House upon it—which subjected the butter trade to a whole series of such vexatious regulations, of which the principal ones were these; that every cask of butter should be sold in a public market; that a public officer, called a taster, should taste the butters, and mark, in open market, their respective qualities. The result of this arrangement was, that if the taster chose to mark a cask, "second quality", he diminished its value as much as ten shillings per cwt. If he marked it "third quality", &c. he reduced it five shillings per cwt. more. Now, hon. gentlemen would observe how serious a difference this must make in the price of a cask, which on the average was about 4*l*. sterling. And they would see, too, what a dangerous sort of power this was to vest in one officer; whose office, by the by, hardly any respectable person could be found to take and the consequence was, that it fell, usually, into very unworthy hands. To make up the large amount of this export, equal in value to nearly 2,000,000*l*. worth of butter, no less than 700,000 casks must undergo this operation of tasting. It was impossible for him to describe to the House the extent to which gross corruption and practical oppression took place under a system thus requiring every cask of butter to be publicly tasted by the tasters. Upon this tasting there was a fee of two pence per cask to be paid, which two pence the merchant deducted from the proceeds in his account-sales, and undertook to recover again of the buyer. But under various pretences of weighing, branding, &c. this charge occasionally rose to 5*d*., 7*d*., 11*d*., and even as high as five-and-twenty-pence per cask;—a loss which the poor farmer, on whose account it was sold, had to sustain. There was an officer also appointed, under the act of 1812, to mark and brand on the casks their capacity and weight. But he had discovered, from various sources of information, that it frequently happened that the officer, whose duty it was so to brand the casks, accepted bribes from interested parties, and left his brands in the hands of the coopers themselves. In short, both in this matter, and in respect to the weighing in the market, the greatest corruption prevailed in the markets in Ireland. He did trust, therefore, that the Treasury had already made up their minds as to what course they would take in respect to this important subject, after the memorials which had been already presented to them, and especially after the notice which had been given by the hon. member for London to introduce a bill for the better regulation of this trade. The hon. baronet concluded by moving, "That there be laid before the House copies of all memorials that had been presented to the Treasury, or the Board of Trade, respecting the butter-trade of Ireland, since the 1st of January, 1824."

Mr. *C. Grant* thought the hon. baronet had stated quite enough to convince the House, that the present regulations of this important trade had led only to fraud and collusion. They had been, as might be expected, discovered to be quite inefficient for the purposes which they were intended to effect, and productive of much mischief that had never been anticipated. He could not help thinking that these regulations were quite of a piece with the system of marking and branding the Irish linens, which had been so utterly ineffectual to advance the welfare of that trade.

Mr. *Hume* expressed his entire concurrence with the right hon. gentleman. Since the repeal of all the laws about branding the linens of Scotland, its trade had very much improved; and he wished the linen manufacturers of Ireland could be prevailed upon to try a similar experiment.

Mr. *S. Rice* suggested that, after the admission of the right hon. gentleman, it might be quite enough for his hon. friend to apply directly to the Treasury and the Board of Trade.

Mr. *Dawson* hoped, that the linen trade of Ireland, which was going on in an extremely gratifying manner, would be suffered to remain as it was.

Mr. *Grattan* hoped the House would not hastily adopt any measure, but give all parties a fair trial.

Mr. *T. Wilson* was inclined to think the subject before the House was a proper one for inquiry before a committee.

Mr. *M. Fitzgerald* argued, that there was an absolute necessity for an alteration in the act. By one of its clauses, butter could not be sent to the Cork market, except in a firkin which had been made in Cork. The consequence was, that the whole province of Munster must have firkins manufactured in Cork.

Sir *H. Parnell* replied. He contended, that it was not necessary to go into an inquiry on this subject. The absurdity and evil of the system were too manifest to require any investigation. Was the House, in 1825, to be called upon to inquire, whether the value of a cask of butter ought to be fixed by a public officer? He should fail in doing his duty if he did not impress on ministers the necessity of granting relief to hundreds, nay, thousands of people in Ireland, who were oppressed by the present system. Those persons in Cork, Limerick, and Dublin, who supported the present system, were interested individuals who derived large incomes from weighing butter. As interested parties, their opinion ought to be received cautiously. In 1812, the existing measure was carried by the then chief secretary for Ireland. It was an act of government; and that being the case—the government having imposed on the country this extensive system of corruption and oppression—who were the parties to be consulted for the purpose of getting rid of it? Certainly, the government. He therefore cast it on his majesty's ministers to remove immediately this obnoxious measure.

The motion was agreed to.

HOUSE OF COMMONS.

Wednesday, March 16.

PERUVIAN MINING COMPANY BILL.] Mr. *Green* moved the second reading of this bill. He remarked on the opposition that had been shown to the bill, founded on the most absurd and unfounded rumours; in illustration of which he would just observe, that he had been gravely asked, whether the company did not derive its name from an hon. member, Mr. Pascoe Grenfell. In his opinion, the House had no right to take upon itself to prevent the citizens of London or the people of England, from disposing of their money in any way they might please; and he therefore hoped that no hon. member would feel it his duty to oppose the measure. The company had the authority of no less a man than M. Humboldt for believing all they proposed to do practicable.

Mr. *Hobhouse* said, he was sorry, that although it was but a private bill, he should be obliged to enter more fully upon it than might be agreeable to the House. It was the first opportunity that had offered for his making any observations on the spirit of gambling that now existed in the city. The hon. gentleman who had just spoken had asked, what right any member had to interfere in what was a private question? But, he thought that, as soon as the company came to that House to ask for a bill, it gave a right to every member of it to offer his opinion on the subject; for the object in obtaining that bill was, that it should be generally understood that the Pasco Peruvian company was acting under the authority and sanction of the parliament of the kingdom. The effect that these schemes had was monstrous. He knew of many instances where the hard earnings of years had been

disposed of in those plans which, he had no doubt, would, in the end, come to nothing. The task that he had undertaken was, he knew, a most difficult one. He did not intend to mention any names; but he would just throw out the hint, that both private and public means had been taken to intimidate him from opposing the bill. He would now turn to the scheme itself. The capital of the company was a million; and the shares being divided among fifty gentlemen, who held each of them two hundred shares, for which they paid 5*l.* a piece, they were put into the market, and were declared to be at 16*l.* premium. Now, suppose the projectors amounted to fifty, then, according to their prospectus, if they divided the shares amongst themselves, each projector took 200 shares; the deposit being only 5*l.* on each share, each projector advanced 1,000*l.* Now, immediately on issuing the prospectus, according to contrivances well known on the stock exchange, those who applied for shares were told that the shares were risen from 5*l.* to 16*l.* At this rate each of the projectors, by selling only 66 of such shares, would raise 1,056*l.*, and thus not only receive his original deposit of 1,000*l.* but retain 134 shares to make money of, without the risk of a farthing. If he got only 16*l.* for each of these shares, he would pocket 2,144*l.*; but these shares had, by puffing and other means, been as high as 50*l.*; so that, if any original shareholder realised all his 134 shares, he would make a nett sum of 6,700*l.* Supposing, however, these shares should rise, as others had risen, to 500*l.* or 700*l.* per share, and which would be the case, perhaps, if this bill passed, then each proprietor might put into his pocket between 80,000*l.*, and 90,000*l.* without ever having, in fact, put a shilling of his money into any peril; or, it might be said, advancing a single shilling of his money. In this calculation he had supposed that the original projectors were fifty in number. Probably they were not twenty-five in number. In that case, of course, the profit would be double what he had stated, and the risk the same; that was, none at all. He trusted the House would never suffer such a bubble to take place under their sanction. With respect to the legality of these sorts of schemes, he would read the opinion lately delivered by chief-justice Abbott, in the case of Joseph v. Pebrer, which went clearly to shew, that, at least, in the opinion of that judge, such schemes were illegal. "The language of 6 Geo. I. c 18, is not very explicit; but in the 18th and 19th sections two marks and symbols are pointed out as characterising the Societies which the legislature intended to prohibit—the dividing stock into transferable shares, and the assumption of the powers of a corporate body; and, upon the evidence, both of these symbols belong to the company before us. The certificates produced purport to be to give to 'the holder,' whoever he may be, the right to certain shares; so that they are transferable without limit, and without control. The prospectus, without which it would not appear whether any thing and what was the subject of contract, requires the subscribers to submit to the orders of the committee; and thus the society assume to act as a corporation, delegating to a select body the power to make by-laws to bind the others. Thus, then, the company is within the words of the statute; and is it not clearly within the mischiefs which it was intended to remedy? These very shares of 50*l.* each, were sold at a premium of 5*l.* 10*s.* each; and the society, professing to have a capital of 2,000,000*l.*, really had a capital advanced of only 40,000*l.* We cannot shut our eyes to what is passing in the world around us; and unless we do we must observe, that not only this, but many other societies, have sprung up, promising prospective and contingent benefits, sanctioned by no charter, and unprotected by act of parliament; and that a dealing and traffic in their shares has arisen, never exceeded at any period, except, possibly at that time when the legislature was obliged to interpose by the statute to which reference has been made. The effect of these companies is, to give opportunity and scope to gaming and rash speculation, which necessarily lead to misery and ruin; for in gaming and rash speculation, if one man gains, another must lose in proportion; whereas in commerce, fairly and honourably conducted, both the buyer and seller receive benefit. Taking this view of the tendency of this society, and thinking it characterized by two of the marks which the legislature has pointed out as distinguishing illegal companies, I feel bound to declare this dealing and traffic in its shares—for I need go no further—contrary to law."—After such an opinion had been delivered by the lord chief justice, he would ask, whether it became parliament, in the teeth of that opinion, to sanction the gambling and

rash speculation in which the Pasco shareholders had embarked?—He would now proceed to notice the first and second prospectus which had been put forth by the Pasco directors, and also a third production, in the shape of a very trumpery pamphlet; and if he did not completely expose these three documents, he would never ask the House to coincide in a single opinion of his as long as he lived. The first prospectus stated, that the company had secured a lease of the land, containing these mines, of a person of the name of Quiros. And, who did the House suppose this person was? Why, an expatriated patriot; a man who had actually been driven from the country, the viceroy Lecerna being in possession of Peru at the very time this prospectus was issued. This person was styled, in the prospectus, their agent in Peru, in order to induce people to believe that he was actually in that country. He was not, however, in Peru, but was only about to return to that country, to superintend the affairs of the company; which, he trusted, he would not be permitted to do, at least with the sanction of that House, after the exposure which he (Mr. H.) pledged himself to make that night, of their proceedings. The prospectus went on to describe, in the usual empyrical manner, the prospect of unbounded wealth which opened itself to the shareholders. The framers of that prospectus evidently proceeded upon the supposition, that there was an infinite fund of gullibility in the dupes to whom they addressed themselves. One of their assertions was at once impudent and picturesque; such was the exuberance of wealth in this country, said these gentlemen, that even the building stones of the small town of Mignapampa were rich with silver ore. A torrent of silver was to enrich the Pasco shareholders, and give increased vigour and activity to every species of enterprise. These projectors declared, in their pamphlet, that they did not think it necessary, when they came forward as miners, to possess any mines at all; and that they would be perfectly justified in establishing a company for working mines in Peru, even though they had not secured a contract for a single mine. The House would judge of the morality of the projectors from this declaration. That they had a legal right to establish a company under such circumstances he did not deny; but he trusted parliament would not give its sanction to such a speculation. He would now mention another curious circumstance. The prospectus spoke of the disposition of the government of Peru to countenance an enterprize of this nature; and stated, that one of the directors acted under the authority of that government. Now, if this had been true, the royalist government must have patronized the project; for no other government was in existence at the time the prospectus was issued. The House would be astonished to hear, however, that in another part of the prospectus they talked of the advantages which would result from the relation in which one of the governors stood to the independent authorities in Peru. At this time, there were no other independent authorities in Peru; the royalist government was the only established government there; so that here again the projectors calculated on the gullibility of the public. It was stated in the prospectus, that all engagements for the payment of money entered into on behalf of the company, were to be made with the trustees in their own names, and that the liability of the shareholders would not, in any case, exceed the amount of their instalments. Now, this the projectors knew to be illegal; they were perfectly aware that the shareholders were liable to the whole extent of their fortunes; and so, indeed, they were, in effect, declared to be in the bill before the House; for that bill contained a clause, declaring, that it should not be lawful for the company to contract or limit their own responsibility, or the responsibility of any individual member of it. In the prospectus, the shareholders were deceived into the belief, that they would be liable only to the amount of their instalments; while, in the act of parliament, they were made liable to the full extent of their whole fortunes. The second prospectus was, if possible, a more extraordinary production than the first. It stated, that a contract for additional mines, in the district of Pasco, had been entered into, since the publication of the last prospectus. The district of Pasco was said, in the prospectus, to comprise upwards of 360 mines. Now, he held in his hand a little book, published by order of the viceroy of Lima, in 1796, from which it appeared, that in the districts, not only of Pasco, but of Huaranta, there were in all but ninety-nine silver mines; namely, 78 worked, and 21 not worked. It appeared, from other official statements, that there had been no great increase

since the return made in 1796. But the pamphlet went a great deal further than the prospectus. It quoted the Lima Gazette as an authority for stating, that there were more than 3,000 mines in Pasco. Now, the whole population of Pasco amounted only to 5,000 individuals; so that, according to this calculation, there was about a man and a quarter for each mine. He knew what was meant by this attempt at delusion. It might be said, that there were 3,000 shafts, as they were technically called; but persons who were acquainted with the country knew that there was nothing there which could be properly called a shaft. The prospectus talked also of fields of barley, at a height which was calculated by Humboldt to be 13,000 feet above the level of the sea; as if it were possible that barley could grow where there were frosts every night. Even in the torrid, the utmost height at which vegetation could go on, did not exceed 12,000 feet: and the real fact was, that the Pasco miners were supplied with maize from Lima, at three and four times the price at which it was sold at that place. Captain Cochrane, in his late publication, had stated, that at a much less elevation above the level of the sea, he met only with a single solitary shrub. The prospectus went on to state, that the owner had undertaken to convey the whole of this property to the company, either in perpetuity or in any other manner, consistent with the law of Peru. Now, the pretended owner of this property was one Don Juan Vivez, who appeared, from the Lima Gazette, to have run away on account of a sentence of sequestration against this very property. The former owner, with whom the company dealt, was a runaway patriot, and this owner was a runaway royalist. The directors said that the sentence of sequestration had never been enforced. It was true, that the sentence had not been enforced; and the reason was, that the mines had never been worked. There was no property, therefore, against which to enforce the sequestration. It was said, that the mines produced abundance of coal; but this coal was not on the spot. The mines must be worked by means of steam-engines, and the coal could only be brought in small loads on the backs of mules and other animals. The directors stated, that the present owner had realized 100,000 dollars from a single mine. Now, it was a new mode of estimating the value of any property, to inquire of the seller how much it was worth, and to take his representation of it without any further inquiry. But, what was the fact, as stated in their own document, the Lima Gazette? The sum which had been realized was not 100,000, but 50,000 dollars; and this was the produce not of one, but of four mines. The whole property had only been sold for a sum between 300,000 and 400,000 dollars; so that the exaggerated account in the prospectus of what it had produced was perfectly ridiculous. M. Humboldt had calculated, that the whole of the Pasco mines might produce 2,000,000 dollars annually. According to this calculation, the portion of them contracted for by the Pasco company, supposing them ever to get possession of the property, would produce about 40,000*l.* He had made allowance for the expenses; and when these were taken into calculation, he would ask, whether the shareholders were likely to derive any profit from this scheme? He had stated, on a former evening, that a similar project had failed before in the district of Pasco; and he would enter somewhat more into detail with respect to this part of the subject. This same individual, Vives, engaged, in 1814, with three individuals, Arismenda, Abradia, and Uville, who undertook to drain a certain portion of his mines for him, and who entered into similar engagements with the Pasco shareholders. M. Uville came to England, and entered into contracts with the commercial houses of Messrs. Dubois and others, who advanced money for the purchase of steam-engines. The drainers and miners had every possible assistance; they were patronized by the government, and the principal persons of Lima formed part of the Association. After several years, two of the steam-engines were brought to work, and the local judges in their report to the governor, Tarma, spoke of the Draining Company as follows:—"It would be doing little on our part, and that of the whole body of miners, to erect a monument to them (the company), which should transmit to the latest posterity the record of this great and patriotic undertaking, a torrent of silver, which will give energy to all our operations, and be the means of diffusing wealth and happiness throughout the kingdom." Such were the magnificent promises of the Peruvian authorities—of persons who, being on the spot, might be supposed to know the truth. Now, what was the

event? The miner had, indeed, to erect a monument to the company, for all the English miners, except one, died. The Draining Company, having spent 600,000 dollars, or 170,000*l.*, totally failed. They were to receive 15 per cent. of the whole produce of some mines, and 20 per cent. of others; but they lost all their property. Aresminda, the first partner in the concern, was outlawed; Mr. Vivez was banished from South America, and his property confiscated. The shares of Messrs. Dubois and company, on which 400 dollars, or 90*l.* had been paid, and which had actually been bought by thoughtless speculators, in 1814, for the enormous sum of 1,500*l.* each, turned out not worth a farthing. To complete the catastrophe, the dwelling-house and effects of Abadia, the managing master of the mines, was sold on the spot; and, for a final consummation of this hopeful project, the English merchants, Messrs. Dubois and Co, never received even a ratification of any of their agreements with the Peruvian Draining Company. So much for the first Pasco project. There was another important view of this subject. If the Pasco mines belonged to any body, they belonged to the representatives of this old company; and there could be no doubt that these representatives would not allow the new company to establish themselves on their property. He knew that one of the original shares had actually been twice sold in the market at a considerable price since the establishment of the new company. Vives had been outlawed; but it was said by the directors, that his property was protected by his son. Now, by the laws of Spain, a son could not protect the property of the father, though a father might protect the property of the son. If those mines were to be worked at all, it could not be done, as the prospectus stated, by means of Europeans; and to enable the House to form an estimate of the practicability of such an undertaking, he would refer the House to a book which he had in his hand, written by Mr. Helms. And, what said, this gentleman? Why, that no European, nor even a negro, could endure the effects of that climate, and work in the mines for the space of one year; and yet the reward of their toil was a scarcely sufficient pittance of potatoes and maize for their food. The hon. member referred to another authority, to prove that the alternations of heat and cold were so great as that he could not stoop to tye his shoe-strings. The distance from Pasco to Lima was only 56 leagues; and yet, how long did the House suppose it required to perform the journey? He found that it took 16 days to go up, and 13 to come down. There had been a statement in the papers, that a body of soldiers had marched down in six days. The fact was barely possible; but there was a great difference between going up and coming down, where mountains were concerned; and be it remarked, that the mules could carry no more than seventy pounds weight.—Another difficulty with which the company would have to struggle, would be that of procuring the assistance of the native Indians. These were no longer looked upon as slaves; and all future operations in that country must be carried on by means of free labour. In Mexico the labourers were paid two dollars a day. Was it considered what an immense drawback this would be on the profits of the speculation? He had heard it urged, that Spain had derived large revenues from the working of those mines. He admitted she had; because government took its one-fifth of the gross produce, without any consideration of how many were ruined by the attempts at working them; but the House would not, he hoped, allow persons in this country to be ruined in a similar manner. If the directors meant to act bona fide, let them go on for a year or two with their operations without a bill. Let them prove the thing practicable; and then he would have no objection to granting them the privilege of suing and being sued in the name of their secretary; but, at present, he thought the bill would only have the effect of keeping up what he considered a delusion. He would therefore move, as an amendment, "That the bill be read a second time that day six months."

Mr. *Fowell Buxton* said, that as some highly respectable friends of his were connected with this company, he felt it his duty to take that early opportunity of doing justice to them, by putting this question on its fair footing before the House. He would admit a great deal of what the hon. member for Westminster had said. He concurred with him fully, that if any set of men, no matter who, associated themselves as a company, with intent to delude the public, they ought to be held up to public reprobation, and their proceedings ought to be arrested. But,

was that the case here? Had it been proved that any such attempt had been made? The hon. member had gone into a variety of topics, which really had nothing to do with the merits of the bill before them, and into which he would not follow him. The question was, was this a delusive scheme, or was it a bona fide and practicable enterprise? It had been called a deep-laid scheme; but the fact was, the opposition which was now made originated in a deep-laid scheme to depress the market, and reduce the price of shares. When he said this, he, of course, fully acquitted the hon. member for Westminster of any participation in, or knowledge of, such scheme. He admitted the hon. member's views to be most upright and honourable; but he could not refrain from expressing his conviction, that the calumnies which had been heaped upon this company, and the misinformation which had been impressed on the hon. member's mind, with respect to the company, originated in a deep-laid scheme to reduce the price of shares; and, if it was unfair to raise them by improper means on one hand (but he did not admit that this was the case with the company), it was also unfair to depress them by calumnies on the other. It was alleged, that this project was impracticable—that it was visionary—and that no such mines existed. Now, let the House refer to what had been said with respect to the mines by that illustrious traveller Humboldt. He stated, "The mines of Pasco, which are worse worked than any other in Spanish America, were first discovered by the Indian Huari Cupca in 1630. They yield annually nearly two millions of dollars. In order to form a just idea of the enormous mass of silver which nature has deposited in the bosom of these calcareous mountains, at the height of more than 4,000 metres above the level of the ocean, it should be remembered, that the bed of argentiferous oxide of iron in Gauricocha has been worked without interruption from the commencement of the seventeenth century, and that during the last twenty years more than 5,000,000 marks of silver, (equal to 40,000,000 dollars) have been extracted." Would this statement of Humboldt's be also called delusive? But, the fact did not rest on the authortiy of Humboldt alone. It was confirmed by several able and intelligent travellers, and was stated with a confidence of its truth by the intelligent gentleman who was secretary to the Mexican embassy. He would, in corroboration of the statement, read an extract of a letter written by the son of the gallant member for Southwark (sir R. Wilson), who was at present aide-de-camp to general Bolivar, and with him in that country. In that letter he says, "It is very surprising to me, but nevertheless it is strictly true, that silver is in such plenty, that the meanest utensils are made of that metal. I could for a few knives, or other articles of iron work, procure several pounds of it; but this abundance is comparatively of very little value, in consequence of the difficulty of conveyance." He read this extract by permission of the gallant member for Southwark, who at the same time requested him to state to the House, that he was in no way connected with any of those mining companies, and had never speculated in them. This statement, then, so fully corroborative of what had been already mentioned by Humboldt, could leave no doubt on the mind of any man, of the great abundance of silver in those countries. In addition to these, he had the testimony of an officer who commanded a part of the independent troops in 1821, that silver was extracted in large quantities at that time, by means of the steam-engines sent out from England. It was further proved, that there had been discovered, within a short distance of the mines, a valuable coal-pit, which afforded abundant fuel for all the purposes of mining. The hon. member for Westminster had spoken of this as if it were a considerable distance from the mines; but the fact was, and he had it from one who was on the spot, that it was not more distant than a league from the mines. With such advantages, then, how could the company be called a delusion? But, it semed that the company had not a good title. He had seen the documents on which that title was founded, and he had not the slightest doubt that it was one which would be recognized by the government of Peru. He did not think the hon. member for Westminster dealt fairly with the company, in the interpretation which he had put upon that part of their regulations, in which it was stated, "that all engagements entered into on behalf of the company were to be made by trustees, and in their own names, and in such manner that the liability of the shareholders shall not, in any case, exceed the amount of the instalments remaining unpaid on their re-

spective shares." Now, he thought that the fair and natural interpretation of that was, that the engagements would be conducted with such attention and economy, that the shareholders would be protected from the risk of being called on for any thing beyond the amount of their instalments. Having thus said a word on one side of the question, he would call the attention of the House to another, and would give them some information as to the cause of all the calumnies which, in public and in private, had been circulated against this company. When it was first established, a person, named Dubois, wished to be concerned in it, and to obtain some shares; but the directors, for reasons which it was unnecessary for him to state, refused to have any connexion with that person. Immediately after, they were attacked, their intentions grossly misrepresented, and their object described to be nothing but a delusion on the public, for the purpose of putting money into their own pockets. Yet, after this, the same Mr. James Dubois came to some of the directors a few days ago, and, in the presence of two or three respectable individuals, one of whom was an officer of rank, said "I am the author of all the attacks which have appeared against you. I have originated and given circulation to the reports which have been spread to your disadvantage; but, if you will now give me twenty shares, I will go and recant all I have hitherto said. I will tell the whole truth, and be the means of raising the shares in the market 20 per cent." This base offer was very properly rejected with indignation; but, notwithstanding that, he had come yesterday morning, and repeated the application, lowering his demand to ten shares. This was also refused; and, of course, the company were to expect a continuance of that person's hostility. But, would the House, by rejecting the bill before them, sanction such a base attempt as this? He trusted they would not; but that, by giving leave to have the bill sent to a committee, they would afford the company an opportunity of showing the fallacy of the statements which had been circulated against them. He would not trouble the House by following in detail the hon. member's lengthened statements about mules and mulattoes, and the other topics he had introduced, which were really wide of the merits of the question. He would say to the hon. member, "Let the bill go to a committee, and if you can there prove any of the attempts at fraud or delusion to which you have adverted, you may rest assured that I will not be the man to screen any parties who may be found guilty of any such attempt." It was only in the committee that the merits of the whole plan could be fully entered into. Upon these merits he was ready to meet the hon. member; and he would undertake to prove, to the satisfaction of the committee, that the person he had named was the author of all the calumnies which had been circulated against the company, and he would clearly establish the base objects for which those calumnies had been invented.

Mr. *Hudson Gurney* said, he could not follow the two last speakers, without remarking on the inconvenient course which the House appeared to be pursuing—One member crying down, and another crying up, the probabilities of success in a commercial adventure—as instructed by parties interested in the rise or fall of shares in the market; and gambling, perhaps, for the next morning, on the effect that their speeches might produce there. In fact, instead of bills innumerable—that was, bills of exception from the operation of the law of the land, in favour of certain parties applying for them, there ought to be one general law for the formation and regulation of all joint-stock companies.—Whether the introduction of a law of registration of partnerships, with limited responsibility, as in France, and many other states of the continent, he was not competent to say; but some general act ought to be brought in; and by the government. He hoped the right hon. the president of the Board of Trade, would take the matter into his own hands; it could not be in better; and it was not a question any private individual could satisfactorily deal with. The common law was what grew up in an entirely different state of society, when there was little or no commerce; and the Bubble act was passed in a moment of national phrenzy—assuredly, when there was no wisdom.—As to the bill applied for, it was merely for the privilege to sue and be sued; and if granted to others, he saw no reason why it should be denied to this company—and, on that ground, he should certainly think it his duty to give his vote for the second reading.

Mr. *Thomas Wilson* said, he wished to

make one or two observations, as he happened to be connected with the bringing in of this bill. The hon. member for Westminster seemed to be little acquainted with the real nature of the transaction, and has distorted the facts in the most ungracious manner. He had examined the objections urged by the hon. member, and put by others out of doors, and he could state his perfect conviction that they were unfounded. He thought the charge which the hon. member had made respecting the whole of the shares being divided among 25 or 50 persons was most ungracious. The fact was, that a very large portion of the shares when they came out were distributed among the public—to those who had applied for them, by themselves or their friends. He had written for some, believing, as still he did, that the speculation would be a profitable mode of employing capital, and the directors had set his name down for five shares. so that his interest was but very small in the concern. He had just seen one of the directors in the lobby, and had been informed that each of the directors was compelled to retain 100 shares. And then the hon. member said "Look at the avidity of those men who retain all these shares for their own profit without a risk." But he said "No." For their profit if, you will, but at their risk. The directors were bound to retain 100 shares each, and if the statement of the hon. member was correct, they would be practising a delusion on themselves, and not on the public. As to the critique which the hon. member had made upon that part of the directors' statement, "that they conceived they should have been justified in establishing a company for working mines in Peru, even if they had not, at the time of forming such company, secured a contract for a single mine," he thought it was not very candid or liberal. He conceived the directors would have been fully justified in forming a company, without a contract for a single mine. Why, there was already a most respectable company formed in London, who were about to send out persons to Mexico, for the purpose of contracting for the working of mines there; and they had been formed without having possession of a single mine. The company had, he thought, been treated disingenuously. There was only one objection which the hon. member had urged which had any weight with him. It was, that the climate was very unhealthy. But, be it recollected, that it was not intended to send out whole corps of English miners to work those mines. They would still be worked by the natives, but under the direction and superintendence of a few English miners, who would carry with them that skill and knowledge by which mines might be worked to the greatest advantage, in which the native miners were so deficient. Looking at all the circumstances, he felt convinced that this was a fair and bona fide speculation, and that it would be pursued with advantage. He could mention the names of most respectable individuals well acquainted with mining transactions, and who were in no way connected with the directors of the company, who had purchased 100 shares; which they still retained, believing it a very advantageous mode of investing capital.

Sir *F. Burdett* said, that the fact that persons were first led to enter into this company by being told that they would only be liable to the amount of their shares, and that they were afterwards informed that their responsibility would extend to the whole of their fortunes, was a sufficient reason to induce the House to throw out this bill. It appeared to him, that of all the projects which he had ever heard or read of, this scheme most deserved the name of a bubble. He believed that the directors were honest dupes to the information which had been transmitted to them; but he thought that on that account, as much as on any other, the House was bound to interfere, and protect them from the consequences of their own credulity.

Mr. *Lockhart* said, that if the House gave to this company the power of suing and being sued by their secretary it would go out to the public that the project itself had met with its approbation. They could not be too cautious how they invested any company with such a privilege. He desired them to remember, that if schemes like the present should end in ruining the fortunes of private individuals, members would not only have to bear in their collective capacity the blame of want of judgment, but also in their private capacity the blame of having leagued together to promote their private interests. Supposing this country to be in possession of all the mines of South America, it was a great mistake to infer that it would be the richer. Look to Spain. Was that country enriched by the possession of her

mines? No country was rich, but that which relied on its talents and industry. He should, therefore, oppose the bill.

Mr. *Baring* commenced his observations by declaring, that he had no interest in the fate of this bill either one way or the other. As long as his hon. friend, the member for Westminster, confined himself to general remarks upon the gambling speculations which were now so prevalent, he fully concurred with him in every thing he had said; but as soon as he began to apply his observations to this particular case, he was obliged to express his dissent from him. It was deplorable to see the gambling mania that was at present abroad; it had seized upon all classes, and was spreading itself in all parts of the country. If it was to be lamented that men of the first rank and family in the country haunted gaming-houses at the west-end of the town, it was still more to be lamented, that merchants at the east-end of it should imitate their example, and make a gaming-house of the Royal Exchange. He saw no difference between the gambling of the nobleman in the hells of St. James's-street, and the gambling of the merchant on the Royal Exchange; except that the latter kept earlier hours and more respectable company than the former. The evil was certainly one which deserved to be checked; though he hardly knew how the check could be applied. The remedy would be worse than the disease, if, in putting a stop to this evil, they put a stop to the spirit of enterprise. That spirit was productive of so much benefit to the community, that he should be sorry to see any person drawing a line, discriminating between fair enterprise and extravagant speculation. Nothing that had fallen from the hon. member for Westminster had induced him to think that it would be improper to read this bill a second time. He believed that all the mining speculations would turn out to be delusions, and that many innocent persons, who had embarked their little capital in them, with the expectation of realising large fortunes, would be awakened some day unpleasantly from their dreams of grandeur, by the intelligence that their all was lost. The great mistake under which the uninformed part of the public laboured was this—that their interference in the Spanish mines would render them much more productive than they had formerly been. He believed that the skill with which those mines were worked was little understood by the public. Under the Austrian government, heavy and stupid as it was, the gold mines of Hungary were worked with a science and skill which could not be exceeded. The same, he had reason to believe, had been the case with the mines of Spain. He expected that the Cornish miners, experienced as they were, would carry as much presumption as skill to the new task in which they were going to engage. At the same time that he said this, he thought it only right to add, that no mining scheme which he had seen made a better show upon paper than this Pasco Peruvian scheme. He thought that the failure to work them in 1814 was attributable more to the disturbed and agitated state of the country, than to the impracticability of rendering them available. He could have wished that the president of the board of trade had taken the subject of acts like the present into his consideration, and had come down to the House prepared to recommend one general rule to be applied to the whole of them. He did not see any reason why the House should pass all these bills for creating joint-stock-companies without examination. He thought, however, that as they had passed so many without discussion, they would be acting unjustly, if they made a stand upon the present bill, and said, "we will stop here." It was ridiculous to see the objects for which joint-stock-companies were forming every day. We heard first of a milk company—then of a bread company—then of a brick-bat company, and last of all a lime company, which was to have a joint stock of 150,000*l.*, to work eleven acres of chalk. What to do with these companies he knew not; but that something should be done was quite indispensable. On the first day of the session, a learned person of great influence in the cabinet had given notice that he would apply his mind to the invention of a remedy for this evil; but he was afraid that the remedy would be matter of doubt with the personage to whom he alluded, until the disease had either carried off the patient, or had been cured by the effort of nature. He trusted, that before long, some general rule would be brought forward, applicable to all cases like the present, and that the House would not be called upon to specialize in each particular instance.

Mr. *Calcraft* said, that the argument of his hon. friend, that they were to sanction

this bill which they had investigated, because they had sanctioned other bills which they had not investigated, was so inconsistent with common sense, as to need no other refutation than the mere repetition of it. His hon. friend's speech, in support of the bill, would do more than the speeches of many gentlemen against it, to throw cold water upon the speculations of this company. He considered all bills of this nature in the light of a bonus to the shareholders. They were often brought into parliament for no other reason than to increase the price of shares in the market. If this company were really sincere in their intention of prosecuting the design they had announced, they could do it as well without a bill as with it. He believed that the parties most interested in it only wanted to sell their shares, and either cared not a straw about the mines, or were willing to leave it to others to work them. He considered this speculation to be rather a specimen of parliamentary mining than of fair commerce. He thought the hon. member for Westminster had made out a case which ought to convince parliament, that it would be doing wrong in sanctioning this measure. He recommended that trade should be left to its natural and legitimate course, instead of being bolstered up by so many artificial projects as were at present in existence. He was sorry to see from a list that had been published, that more than twenty-eight members of parliament were either chairmen or directors of more than three Associations each. He thought that such Associations would not add either to the wealth, or to the interest, or to the honour of the nation; and, of the many schemes which they had put forth, he thought the Pasco Peruvian mining scheme was by far the most delusive.

Mr. *Ellice* said, that, in the first prospectus which this company issued, the projectors had placed their names amongst those of the directors, without making any previous communication to him of their design. He had, however, desired it to be withdrawn; as he did not consider the speculation a prudent one. His reason for so thinking was, that it was proposed to work mines in a country, which had no settled government, and where it was uncertain whether a new law, or the old Spanish law, would prevail with regard to mining contracts. In Mexico and Colombia the case was somewhat different. New governments had been framed, and new laws had been formed, abrogating the old ones respecting mining contracts. In the latter case, the law was settled and definite; in the former, liable to change and indefinite. Under these circumstances as he did not think the scheme a prudent one, he had desired that his name as a director, should be withdrawn, lest it should lead some persons into the scheme, who would not otherwise have joined in it. He trusted that his hon. friend, the member for Westminster, would withdraw his opposition to the bill in its present stage, in order to give those who were interested in it the means of contradicting his statements if they could. All the other companies had been allowed to proceed upon the same machinery which this bill asked for. He could say from a personal knowledge of the characters of the directors of this company, that they would be the last men in the world to lend their support to that which they believed to be a delusion. In conclusion he condemned the spirit of gambling that was now abroad. There might be great prizes in the lottery which was thus opened; but none sufficiently great to compensate for the credulity of those who entered into such speculations.

Mr. *Attwood* said, that the view which had been taken of the subject before the House, by his hon. friend, the member for Newton (Mr. H. Gurney), was perfectly just; and that the greater part of what had been advanced on either side, by other gentlemen, was wholly irrelevant to the real question. With the quality of these mines, the validity of the leases of the company, or the value of their shares, the House had nothing whatever to do. Here were a body of men, who had formed themselves into a partnership, and prepared to embark their money, in the working of certain mines in some part of Peru. They found, that as the law stood, a partnership, such as theirs, consisting of a great number of persons, was placed in this absurd position, that they could neither sue successfully at law, for any debts due to them, nor could their creditors sue them. They applied, therefore, for an act to remedy this inconvenience. An act, as it was called, to sue and be sued. This was the simple character of the act applied for; and the time of the House had been occupied for hours, with trumpery investigations respecting the prospects of gain or loss of those parties; whether the title to their leases was perfectly valid, and would hold good, the

quality of their ores, their coals; whether some of their partners or shareholders had not given too much or too little for their shares, as between one another, and other such considerations, perfectly derogatory to the importance of the proceedings of parliament, and which were for the judgment of the parties themselves who adventured their money, and for them only. Suppose the House having taken on itself to discuss these subjects, should form an opinion upon them, different from that of the parties themselves, and should come to the absurd resolution of rejecting their bill. What then would ensue? The parties would proceed in working their mines, just as effectually without the bill as with it. They would act on their own judgment and information. The House had no power to obstruct nor forward, the objects of the parties, as to risking their money or working their mines. All they could do was, to decide whether they should or should not be legally liable to their creditors. The hon. member for Wareham, indeed said, that the effect of passing the act would be, to induce persons to buy shares in the company at a higher price than otherwise, and that therefore it was to be rejected. But the act applied for, would neither make their shares in reality more or less valuable; and if people were ignorant enough to believe the contrary, it was perfectly idle for the House to guide its proceedings by their want of information in the conduct of their own affairs; and which ignorance he did not believe existed. That state of the law, indeed, which had caused those parties to apply for an act of parliament, was a subject of grave consideration. It was a very important circumstance which was thus brought before them; that whenever any considerable number of persons were engaged in a mercantile partnership, or, in other words, in a joint-stock company, the state of the law was (owing to a technical defect, which was found to apply in the course of legal proceedings), that such partnership was incapable of recovering any debt by law; and that no creditor of such partnership was able to recover by law, any debt due from them. The number of extended partnerships, or of joint-stock companies in existence, were, as was well known, exceedingly numerous; many of them had procured acts of parliament to remove this evil; but many others again, proceeded, and had long proceeded, without such acts. A great part of the alarm which had been expressed recently, in different places with respect to companies of this kind, had arisen from this state of the law. Lawyers, viewing these undertakings as connected with the defective state of the law which applied to them, had endeavoured to excite the apprehensions of those who were embarked in such concerns; but those individuals would have better consulted their own character, and have rendered better service to the country, if, instead of attempting to influence the conduct of mercantile operations, of which they knew nothing, they had applied themselves to remedy the absurd and disgraceful state of the law itself, which fell within their own province. The interests to which this disgraceful state of the law applied, were of enormous magnitude. Associations very numerous, of long standing, of great capital and importance, were situated as he had described. The greater number of those useful institutions, the insurance offices, were so circumstanced. Millions of capital, hundreds, perhaps, of millions, were employed in this country by those associations, honourably, profitably, usefully to the country; and were totally without the pale or protection of the law. The parties were a law for themselves, their character was their law, they arranged their proceedings so as to guard against, and provide for, as well as they could, the vices of the law. It was fit that such a correction of this legal absurdity should take place as would give, not to this company only, but to all others similarly circumstanced, the same power which the present bill proposed.—As he had been led to say thus much on the more general question, he would offer some remarks on the character of that clamour which had lately been raised against joint-stock companies, and which had formed a material feature of the present debate. It was proper to call to their recollection, what were the advantages which the country derived from associations of this nature; and that they formed a means for the beneficial employment of a considerable portion of the national capital. Listening to what had been said on the subject, it might be believed that those associations presented one great and enormous abuse, which it was necessary to repress and destroy in whatever form offered. But gentlemen

would do well to consider, that it was to such associations that the country was indebted for every public work which it possessed, having for its object the promotion of wealth. What had been the origin of all canals, docks, aqueducts, bridges, and similar commercial works? They were beyond the power of individual enterprise; the government was incompetent to such undertakings, but they yet existed in every direction. They were the work of those joint-stock companies, which had been the subject of so much indiscriminate and prejudiced abuse. There existed, in fact, in the country, no power or means whatever of executing such works, except by means of those combinations called joint-stock companies. The government was not only inefficient for such purposes, but might be said to be the most inefficient of any government which then existed, or which almost ever had existed. In other countries were to be seen great public works executed by the government. In France great canals; in Holland; in China, even, canals of a magnitude unknown elsewhere, all the work of the government, but in this country nothing of the kind was to be seen. An hon. gentleman said, the Caledonian canal. The Caledonian canal was undertaken for some purpose of employing or curbing the highlanders, and there was, indeed, a road through Wales, for a speedy communication with Dublin. But those had political objects in view. There was no want of such works on the part of the government, as fortifications, military and naval, and harbours for ships of war; but, of public works of a commercial character, having for their object the promotion of wealth, there existed nothing of the kind throughout the country, which had been the work of the government. This was no reproach to the government. It was to its praise, that it had no character of needless interference with the affairs of the country, but left the people to the free employment of their capital, and the development of their resources. But the state of things he had described was one not to be lost sight of, when the character of these associations was considered. They found, indeed, a very extraordinary power, peculiar in a great degree to this country, and existing, except partially, nowhere else. Their main origin was, he was convinced, in that integrity in the commercial character of the country, which guaranteed such undertakings from that fraud and abuse in their conduct, which had been ridiculously imputed to them. Other countries had seen the advantages of such combinations, and had endeavoured to establish them by efforts and encouragement. In France the government had, for many years, been occupied in endeavouring to establish these companies to contruct canals, by bounties and encouragements of every kind; but, he believed, without effect; whilst here, with no assistance on the part of the government, but the subjects of ignorant reproach, had these joint-stock companies intersected and united all the main parts of the kingdom, with canal communication. But then it was said, there was much ignorance in the conduct of many of these associations, much imprudence, many operations undertaken not suited to be executed advantageously by such associations. There could be no doubt of it: It was not a pure and unmixed good. In every direction of any considerable branch of capital, there must be, of necessity, much of extravagance and its natural result. But of this he was convinced, that in the most extravagant and absurd of these undertakings, there could be found no ignorance so complete and perverse as had been exhibited in that and the other House of parliament in the discussions respecting them. Alarm had been felt, respecting the number and extent of those associations, but it was to be considered whether the present circumstances of the country were not such, as necessarily to direct a more than ordinary proportion of capital to such objects. If the present rate of interest, and value of money should continue, his conviction was, that the present extent to which joint-stock companies were carried was not their limit, but that they would be much further and beneficially extended. During the war, for a period of twenty years, the government came into the market for loans, to the annual amount of, perhaps, twenty millions. But what was the source from whence those loans were supplied? From the surplus revenue of individuals, desirous of converting it into capital, which would produce an annual return. At the close of the war, the government ceased to take off those accumulations of capital. But capital did not cease to accumulate on that account; and its natural and most beneficial direction, was to public works of a commercial character. Would gen-

tlemen, who were kind enough to point out the danger which individuals incurred, in investing their money in shares of docks, canals, rail-roads, and other schemes now on foot, inform those individuals in what other manner they would recommend them to invest their money, so that it should be free from risk, and produce a satisfactory income? In 3 per cents at 95, or in loans to foreign governments? It was to avoid both these, that persons took shares in public companies. He had been somewhat surprised to hear his hon. friend, the member for Taunton, join in those terms of unfounded alarm. He had referred particularly, to those associations whose object was, to work mines in South America, and who calculated on introducing there, many improvements in the system of mining. The hon. member said, they would be deceived; that those expectations were delusive; that it was a vain opinion, which the miners of this country entertained, of their superiority to the miners of South America. He instanced the mines worked by the Austrian government which, ignorant and sluggish as that government was, were yet conducted with as much system and science as any mines here. Now, he would like to ask the hon. gentleman, whether he considered that the finances of the Austrian government were conducted as ably as its mines? In his humble opinion, when his hon. friend put himself at the head, of what was, in fact, neither more nor less than a joint-stock company, formed with the object of lending two millions to that beggarly, dishonest, and bankrupt government, and for the express purpose of enabling it to pay a composition of somewhere about half a crown in the pound on a just debt, he lent himself to an operation as full of delusion, and as likely to end in ruin, as any one of those projects the most absurd and extravagant, whether for working mines, or for selling chalk, or milk, which he had described, and of which no doubt many, sufficiently absurd were in existence. He did not defend the prudence of all the undertakings of these bodies, any more than he would of any great class of individuals. But it was not to be forgotten, that the same return, which some years back would have been looked on as unfortunate, would be advantageous under present circumstances. The prospect held out to the holders of stock was, a reduction of interest if peace should continue; a great loss of capital if war broke out. This was the motive which led to joint-stock companies. A dock, or a canal, which should now return five per cent, would be a profitable undertaking. One that returned four, three, or even two per cent would not be considered ruinous. The abuse, therefore, which had been so freely lavished on those undertakings was most preposterous. He had been led, however, at too great length, into that subject; with respect to the simple question before the House, of the particular company to which it referred, he knew nothing, neither of their prospects of advantage, or the value of their concern or their shares; nor did he desire to know. All this he left to the judgment of the parties themselves, whose concern it was; but that they ought to be made liable to be sued at law for their just debts, of that he was quite satisfied; and also, that they ought to be enabled to recover by law any debts justly due to them; and as the present bill gave them those powers and no other, he should willingly vote for it.

Mr. *Baring* begged to be understood as applying his observations not to this company in particular, butto joint-stock-companies generally.

Mr. *Robertson* was of opinion, that the House ought to make a stand on the present occasion, and protect the public from the ruin with which they were threatened. All the speculations that were at present afloat, and more especially the mining speculations, afforded little chance of being successful. As to the introduction of the steam engine to work these South American mines, it was the greatest possible delusion. There was no fuel. In Mexico there was no coal; and near the mines under discussion there was no wood. They had been worked for many ages by able German miners, who were as likely to render them profitable as any persons. Nor was it probable that the Mexicans would sell them to their present proprietors, disadvantageously to themselves. There could be little doubt that whatever capital was embarked in these mining speculations would be wasted. He strongly impressed upon the House the necessity of endeavouring to put a stop to these speculations, by withdrawing the countenance of parliament from them. He regretted, that when a subject of so much importance was before the House, not a single minister was to be seen on the Treasury bench. The country was indebted to the

lord chancellor for what he had stated on the subject. That learned lord seemed to be the only member of the government who was alive to the ruin that awaited the unthinking persons who embarked in these speculations.

Mr. Alderman *Bridges*, in reply to the hon. gentleman who had just spoken, declared, that in the neighbourhood of Real del Monte, there were coals enough to enable the steam-engines to work for many years. The hon. alderman vindicated the characters of the directors of this company, who were men of the highest honour, and possessed of great prudence and foresight. High as the shares at present stood in the market, many of the holders would not take double the current price for those which they had in their possession.

Mr. *Hobhouse* said, he had applied his observations, not so much to the individual speculators, as to the speculation itself. He should not, however, press his amendment to a division.

The bill was then read a second time.

HOUSE OF COMMONS.

Thursday, March 17.

Clergymen holding Offices in Corporations.] Mr. *Hume*, after a few observations on the general inconvenience of allowing clergymen to hold civil offices in corporations, and to mix themselves up in secular affairs, moved, "That an humble Address be presented to his Majesty, that he will be pleased to direct a return to be laid before this House of the number of persons in holy orders in the Church of England, who hold offices in corporations of boroughs, or cities; stating the names of such persons, the offices they hold, the name of the borough or city, and whether they have any benefice, and how many, and whether they are resident or non-resident on such benefice."

Dr. *Phillimore* opposed the motion, which he considered at the best unnecessary.

Mr. *John Smith* said, that the respect which he felt for the clergy would not prevent him from supporting this motion. If it should appear from these returns, that the clergy were neglecting the duties belonging to their character, and engaging in others that were alien to it, the House might consider how far it ought to interfere to prevent such neglect in future.

Mr. Secretary *Peel* thought the reason just given by the hon. member, in favour of the motion, disclosed its real object, and was the strongest that could be urged in opposition to it. If it was the intention of the hon. mover to obtain a vote of that House on the present motion, impliedly declaring its opinion, that clergymen ought not to hold borough offices, he must say, that such a mode of obtaining the opinion was the least fair that could be adopted. If the hon. member wished to disqualify clergymen from holding such offices, let him do so by bill, in which they could have the assistance of the other branch of the legislature; and not in the form of the present motion, in which the disqualification would be by implication alone.

Mr. *F. Palmer* observed, that it would be impossible to bring in such a bill as the right hon. gentleman recommended, unless the return for which his hon. friend moved were laid before the House. He therefore supported the motion.

Mr. *Wynn* defended the character of the clergy generally, and more especially of the clergy of Wales, and maintained that they had acquitted themselves, in many instances, with the greatest advantage to the public in the discharge of the magisterial functions. He recommended the hon. member to withdraw his motion, and to bring the subject before the House on the general principles of the eligibility or ineligibility of the clergy to civil offices.

Sir *J. Newport* thought it would be expedient that the subject should be submitted to the House, with reference to the general question of the eligibility of the clergy to civil offices. Although it might be advantageous in the country, that clergymen should hold magisterial situations, it appeared to him that in cities it was quite the reverse.

The House divided: For the motion 4; Against it 22.

HOUSE OF COMMONS.

Friday, March 18.

Joint-Stock Companies.] Mr. T. Wilson presented a petition from certain Cow-keepers and Milk Venders, complaining of the Milk Company.

Mr. *Grenfell* felt surprised, when the law on Joint-Stock Companies was in such uncertainty, that the lord chancellor had not brought forward his intended measure.

Mr. *John Smith* took occasion to observe, that there had not been a single day, for some time past, without some new joint-stock scheme being brought before the public. He could not help joining, therefore, in the lamentation of the hon. member, as to the uncertainty of the law on the subject.

Mr. *Huskisson* said, that, as far as any remedy was wanted to check wild and unreasonable speculation, no one could be more willing than he should be, to devise and concert one. With respect to the law, however, it must be recollected that there was one existing, by which these companies were bound, and for any violation of which they were liable. It was, no doubt, the duty of the House to watch attentively any bill coming before them, for the purpose of giving to any of those companies extraordinary privileges. If such a bill came before them, it would be the duty of the House to reject it. But, whatever might be their opinion as to the nature of many of the recent speculations, the law which referred to partnerships was well known; and, with the exception of bankers, he did not see that there was any thing in the law to limit the number of persons who might choose to associate, for the purpose of carrying on any particular trade. He would admit that the rage and folly of the day led to speculations for carrying on ordinary trades in the way of extensive partnerships. They had milk companies, and brick companies, and fish companies, and several others of that kind which he could not enumerate; but, when any of them came before the House with a bill, and asked for no new or exclusive privilege or power, he did not see how the House could turn them away. By refusing the power which they asked, of suing and being sued in the name of one of their officers, he did not see that they could be prevented from acting as a partnership; but, the getting such a power would not of itself be the means of enabling them to continue long in those extensive associations. He was sure that the good sense and industry of those who carried on trades, for the more extensive exercise of which some of the companies had been formed, would in the end prevail, and that those trades would return to their natural channel. Many of the owners of shares, who might be considered as sleeping partners in trades of which they knew nothing but the name, but who expected to reap large profits without any care, activity, or exertion on their parts, would, he feared, find, in the end, their expectations disappointed, and that they could not compete with effect against individuals, who devoted their whole time and attention to the promotion of their respective trades. The high-raised hopes of many who embarked in such speculations would, in the end, vanish into thin air, and leave those who entertained them nothing but regret and disappointment. At the same time that he gave this as his opinion of many of the speculations afloat, he did not see how the parliament could at present interfere. If, in any of the measures which came before them, any thing illegal could be shown—if any particular evil could be pointed out—he should be willing to afford every remedy in his power; but unless that was done, it would be better to let these companies alone.

Mr. Alderman *Bridges* defended the milk company, which he said had been established these eighteen months, and had already been productive of much public advantage, by giving to the community a cheap supply of pure milk.

Mr. *J. P. Grant* said, that though his majesty's government might not feel disposed to alter the law with respect to extended partnerships, yet he thought it was their duty so to regulate it, as to prevent the present practices of the transfer of shares.

Ordered to lie on the table.

IRISH MISCELLANEOUS SERVICES.] The House resolved itself into a committee of Supply. On the resolution, "That 1,600*l*. be granted, to defray the expense of the Hibernian Marine Society for the year 1825,"

Mr. *Hume* objected to the principle of voting away large sums to charitable institutions in Ireland. The whole sum to which these eleemosynary grants amounted was 342,000*l*. He admitted that in this was included grants for the purposes of education, to the principle of which, if properly applied, he did not object; but many of the other grants ought not to be sanctioned. We had no institutions similar to some of those now before the committee; and he did not see why the public should be taxed to support them in Ireland. Many of them ought to be reduced altogether, and others put upon a proper footing.

Mr. *Grattan* denied that the whole

amount of the grants was for charitable purposes. A great portion of them was for education, to which no objection had been made.

Sir *T. Lethbridge* thought that it would be niggardly in the extreme to withhold these grants. Nothing was so important, in the present state of Ireland, as to provide permanent establishments for the education of the lower orders.

Mr. *Monck* contended, that the support given by government to charitable institutions generated more mischief than it relieved. If they were to give 100,000*l.* for instance to the Foundling Hospital, they would do nothing more than give a bonus to incontinency, and to the propagation of illegitimate children. He was convinced that the House was proceeding in a wrong course, and that the best thing it could do would be to abandon it.

Mr. *Curteis* hoped that these charitable votes, instead of being permanently fixed at their present rate, would be annually reduced.

Mr. *Lockhart* objected to the principle of these charities. By increasing the number of paupers, they increased the quantum of misery already existing.

Mr. *Hume* asked, if it was intended to reduce these eleemosynary grants? Within a few years, they had increased from 79,000*l.* to 342,000*l.* He protested against such an increase, without some satisfactory reason being given for it.

Mr. *Goulburn* said, he would not pledge himself to any annual reduction of these grants. Sums must of course be voted, commensurate with the necessity of the case.

Mr. *C. Grant* was of opinion, that though the principle of some of these grants was objectionable, the reduction of them ought to be gradual. Amongst the grants which he considered objectionable, was that to the Protestant Charter-schools. Though they might be valuable in particular instances, in teaching reading, writing, and arithmetic, he believed that, upon the whole, they had utterly failed in training up good men, good citizens, or even good Christians. He therefore wished to see the management of them corrected, as it gave education to one class only of the king's subjects, and excluded every other. He was afraid that too many of the grants were partially and not generally applied. If the House thought proper to interfere with the charitable institutions of Ireland, he trusted it would take care, first of all, that its bounty was equally divided amongst men of all religious persuasions in Ireland: and next, that it did not collect in Dublin all the pauperism and profligacy of Ireland.

The *Chancellor of the Exchequer* said, that, before hon. members condemned these grants to the different schools and hospitals in Dublin so loudly, they ought to consider of what avail they were to that metropolis. They were most of them established before the Union, and were supported by the various noblemen and gentry who at that time were in the habit of residing part of the year in Dublin. As the Union had withdrawn from them great part of that support, the government thought themselves bound, in a certain degree, to supply it. In London these institutions abounded, but were so well supported by voluntary contributions, that it was unnecessary for government to give them any assistance. As far as any evil might arise from such a mode of expending money, it was the same whether the money came from the purse of the public, or from that of individuals. He would not withdraw these grants upon any abstract objections; because he knew that, by doing so, he should leave many persons in a state of absolute destitution.

Mr. *S. Rice* contended, that the efforts made by individuals to relieve private distress in Ireland were equal to those made by any individuals in any European country. Though Ireland had no poor rates, —and long might she continue without them!— her poor were supported by dispensations of charity, which did honour to the country which bestowed them.

Mr. *Grattan* supported these grants, and contended that the charities to which they were given were, in the main, excellently conducted.

Mr. *Hume* complained, that the gradual reduction of these charities which had been introduced, had not been adhered to. He was convinced that these grants did more harm than good.

The resolution was agreed to.

IRISH LINEN BOARD.] On the resolution, "That 19,938*l.* be granted to defray the expense of the Linen Board of Ireland for the year 1825,"

Mr. *Hume* protested against the continuance of this grant. If there had not

been the clumsiest mismanagement of the affairs of the linen trade in Ireland, machinery such as this board would never have been continued in the present advanced and enlightened age of science. He called upon ministers, who were abolishing shackles upon the freedom of trade, to do away with this. Why should the linen be more protected than the woollen, the cutlery, or any other trade in Ireland. These establishments might have been necessary in the infancy of the trade, but were not necessary now. Upon general principles, therefore, he objected to this board.

Mr. *Goulburn* said, that if the question were now raised for the first time, whether or not, under the present circumstances of the linen trade of Ireland, a board ought to be appointed, he should be slow in voting for it. But, there was a great difference between originating a public body of this nature, and not continuing one which had been a considerable time in existence, and which had worked the greatest benefits for that most important trade in Ireland. It had been the object with the Irish government to foster the linen trade, and their labours had been greatly assisted by the linen board. Many frauds in the trade were prevented by it. It was, in fact, essential to the prosperity of Ireland.

Mr. *T. Wilson* did not entirely agree in what had been said of the necessity of this board by the Irish Secretary, but still it was difficult to interfere with a body from whose labours considerable benefit was said to have accrued to Ireland. As a general principle, he was decidedly opposed to all shackles upon trade; and he thought that ministers were bound, by their own professions, to be of the same opinion. It was, however, important to consider, whether this general rule ought to be applied in every particular case.

Mr. *Trant* denounced the linen board as utterly incompetent to the task which it had undertaken. He had himself conversed with some of what were called Inspectors, who knew nothing whatever of linen. He agreed with those who were for removing all restrictions upon trade. At the same time he admitted, that it might not be safe, suddenly to withdraw the apparatus by which the linen trade had been hitherto carried on.

Sir *G. Hill* defended the linen board, on account of its utility to the staple trade of Ireland.

Lord *Althorp* was hostile to the vote, upon general principles.

Mr. *Hume* moved, that the grant be reduced to 9,938*l.*

Colonel *Bagwell* bore testimony to the services of the board, in promoting the linen trade in the south of Ireland. It was but latterly that this manufacture had been there introduced; but since its introduction, it had given employment to a great number of poor persons, who would otherwise be reduced to a state of destitution

Mr. *Peel* said, that the grant had been made to Ireland, partly in consideration of the discouragement of her woollen manufactures. It was therefore connected with feelings existing in that country, and ought not to be considered as an abstract question. He hoped that this short discussion would be taken as a notice in Ireland, that parliament had turned its attention to the subject.

Mr. *Grattan* opposed the vote, and contended, that the situations were given away upon a system of favouritism.

Dr. *Lushington* argued, that the effect of the vote would rather be to retard the improvement of the trade than to accelerate it. It would create a factitious trade, and finally leave many hands out of employment. At the same time, he did not wish the vote to be withheld without notice; and if he did not press a division, it would be on the understanding that next year a clear and distinct case should be made out, by the supply of due information.

Mr. *Goulburn* was in favour of the grant, because it employed the poor of Ireland; at the present moment, an object of the highest importance.

Mr. *R. Gordon* resisted the resolution, and complained that a large part of the money voted for the linen board went to retainers of ministers.

The *Chancellor of the Exchequer* adverted to the report of the committee two years ago, recommending a variety of alterations in the linen trade, which had been carried into effect, especially regarding the bounties, which changes had not been accomplished without difficulty. Ministers had, therefore, not been asleep on their posts. Ireland was in such a state, that it was not possible yet to apply to her the ordinary doctrines of political economy. It might have been wrong to grant the assistance to Ireland in the first instance, but it would be most injurious

to plunge at once into an entire new system.

Sir *G. Hill* stated the particular reasons for continuing the grant for the board. The linen trade was not one requiring a large capital. Hence it was necessary to have a board to protect the interests of the small manufacturers. The linen board had already produced the greatest advantages, by augmenting the trade from a few hundred thousand pounds to five millions annually.

Mr. *Hume* was convinced, that the linen trade would have been six millions a-year, instead of five, if this board had never existed. Out of 72 individuals connected with the board, there was not a single Catholic. It was, therefore, an insult to the feelings of the people of Ireland to continue it. They were not all paid, but possessed extensive influence; which they always exerted in favour of ministers.

Mr. *J. Smith* agreed, that the true principles of political economy could not be applied to Ireland in her present unsettled condition. By means of the grants to Ireland, many thousands had been employed in productive and reproductive labour. Though, in some respects, it might not be well managed, he should be very sorry to see this grant withheld.

The House divided: For the Amendment 17. Against it 76. Majority 59.

EAST-INDIA SUGARS.] On the order of the day, for reading the Annual Duties bill a third time,

Mr. *Sykes* said, that, before this bill was read a third time, he wished to make a few observations respecting the Sugar trade. He did not know on what principles ministers were acting. It seemed to be the policy of this country to prohibit the importation of sugar, unless it came from the West Indies. Now, on what good principle such a policy could be founded he knew not. If it should be said, that East-India sugars might be imported, he admitted the assertion; but only to a very small extent, for it was notorious, that the immense duty laid on sugar imported from the East Indies, amounted almost to a prohibition of that article. This appeared to him to be totally at variance with sound policy, which would rather induce ministers to favour the importation of the products of a country that took so many of our manufactures in return. He called upon gentlemen on the other side of the House to state why, and on what grounds, such a duty had been laid upon a most important produce of our Indian empire which contained a population of 80,000,000 of souls, who were ready to take our manufactures to a very large amount, provided they could find in our markets a vent for that native produce? If he was told, that the object of the government had been to protect the West-India interest, he must contend, that the only effect of such a system was, to keep up and sustain an accursed and detestable system of slavery, the existence of which every man must join with him in sincerely deploring. When he stated, that the duty on West-India sugars was 27*s*., while that upon East India was about 37*s*., the House must immediately perceive that such a difference as 10*s*. between the two duties, was calculated to keep one of these sugars almost entirely out of the market; and, by consequence, greatly to diminish the supply that would otherwise be poured into it. Now, it was pretty generally allowed, that abundance of produce was the very sinews of commercial prosperity. It was true, there was a drawback allowed on the exportation of sugars, amounting to 6*s*. per cwt.; but it could be easily shown, that that drawback, without effecting any benefit for this country generally, by increasing the supply and diminishing its price, served only to put upwards of a million of money into the pockets of the West-Indians. It was with pain that he felt himself bound, on this occasion, strongly to object to the course which ministers seemed disposed to take. He had with pleasure supported them in the principal measures of what he conceived to be their improved policy. He had had the gratification to see them reduce the duties on wool, timber, iron, hemp, and wine itself; and in all the principles upon which right hon. gentlemen over the way had suggested those reductions, he had most cordially concurred. Even upon questions, perhaps of more doubtful expediency, he had gone with ministers, because he conceived that trade could only flourish by being entirely free. But, to retain the duty upon East-India sugars did appear to him calculated materially to injure our commerce. Why was that duty to be continued, if it was so contrary to those principles of free trade which ministers themselves had advocated in other cases? He called upon the government to set

open the sugar trade, as it had done others. As for the West-Indians, all the benefit which the present regulations might procure to them was lost to us. At present, the produce was so much greater than the consumption, that the drawback in question was not so great bonus to the West-India grower, as, under other circumstances, it might be. But, what would be the case, whenever the consumption should equal the supply Why, whenever we happened to grow no more sugar in the West-Indies than was equal to the consumption, or demand of the market, the West-India interest would have a complete monopoly of that market The East-India trade, in the mean time, was suffering severely from the inequality of duties, and the public were left without the benefit of a fair competition. No other heavy goods were called for in the East-India trade, except rice, saltpetre, and sugar; but sugar alone offered that permanent and advantageous article of commerce, which it was the duty of the government to encourage by a more equal apportionment of the duties. The keeping up this prohibitory system, not only encouraged slavery in the West Indies, but had, in a considerable degree, cramped the productive energies of India. To prove that the West-Indians themselves considered that they derived no very material benefit from the drawback allowed on the exportation of sugars, he should cite the authority of a gentleman who was allowed to possess the most extensive information on these subjects, and who was himself the agent for the island of Jamaica. He meant Mr. Hibbert. A letter signed by Mr. George Hibbert, and published in the Royal Gazette of Jamaica, contained an admission on the part of the writer, that the drawback allowed on refined sugars was little short of a gratuitous bounty of about 6s. per cwt. on the exportation of all West-India sugars. The House would observe, that this drawback of 6s. per cwt. would amount, upon the sugars imported from the West Indies into this country, which was perhaps 190,000 tons, to about 1,140,000l. Now, these facts were admitted by Mr. Hibbert himself. He allowed that the bonus afforded by this drawback on bounty would be to such an extent; and yet that, large as this bonus was, it would not answer the necessities of the West-Indians. It would be observed that, year after year, the West-Indians came to that House, asking for further relief; and yet that, to whatever extent that assistance might be afforded, it never proved sufficient. He had a further objection, however, to bounties of any kind; upon this principle —that they never, or rarely, were serviceable to the country. A free, unfettered trade, left to its own energies, was that which mainly enriched the country. If a bounty was allowed on sugar, or any other article, the only effect was, that the foreign consumer would buy it so much cheaper; and in that case it must be allowed, that we ourselves made a present of so much to the foreign consumer. It had been said, that a rise of prices in colonial produce was rather beneficial than otherwise; and thus it was often argued, that such a rise of prices improved the condition of the West-India slaves. But, he denied this. He had reason to believe, that the only effect of such an advance in prices was, that the slave was compelled to work the harder during all the time the improved market was likely to last. The free labourer might benefit under such circumstances; but not the slave. And this would appear from a slight review of one or two important facts. In the Bahama Islands, where the slaves were generally better treated than in many parts of the West Indies, and sugar was not cultivated, the average increase of slave population, with reference to other of the islands, was about three per cent. In Barbadoes, where very little sugar was raised, the increase was about one-and-a-half per cent. In the larger island of Jamaica, where the cultivation of this produce was carried on to a much larger extent, the decrease of human life was about one per cent; but, in Demerara, in Guiana, the great mart for sugars, and where the most considerable number of slaves were employed in its cultivation, the decrease of human life was about three per cent. The hon. gentleman, after again calling on government to remedy such a defective inequality of duties as that which he had pointed out, sat down, protesting that he should never cease to advocate the cause of free trade all over the world.

Mr. *R. Gordon* threw back the insinuation, that the rise in the price of sugar was beneficial only to the West-India planter or proprietor. When the question came under discussion in a more regular form, he should be ready to give a direct and positive contradiction to the state-

ments which had been advanced by the hon. member.

Mr. *Robertson* suggested, that the most effectual relief to be afforded to our colonies, was to be derived from a total emancipation of the slaves. Unless the owners of colonial property did this, they would do nothing which would afford them permanent relief.

Captain *Maberly* observed, that the protecting duty on West-India sugar had been defended, on the ground that the legislature, by its enactments, had induced individuals to embark their property in the West-India colonies; but that he held to be no sufficing reason for keeping up the price of an article which might be denominated a necessary of life. In his opinion, it would tend greatly to the interest of this country, if we were not at all connected with the West-India Islands. From the time of Adam Smith, down to the present day, every intelligent writer on political economy had condemned our colonial connexions. The trade to the West-India Islands was, to all intents and purposes, a losing trade to this country; and the sooner England got rid of those colonies, and of the heavy expense which they incurred, the better would it be for her interests. Sugar could be procured at a comparatively moderate price from the East Indies; and by importing it from that part of the globe a double advantage would be gained; on the one hand, the article would be cheaper; and, on the other, the country would be relieved from those heavy military and civil establishments, which she, and not the colonies, now supported.

Mr. *Blair* supported the West-India interest. The country, he contended, was not prepared to adopt the sweeping proposition of the hon. member who had just spoken.

Mr. *Charles Ellis* said, that a solemn compact had been entered into between the mother country and her colonies; the former having stipulated to grant every protection to the latter. That compact ought never to be lost sight of. Upon that ground, he objected to the course proposed to be adopted by the hon. member with whom the debate had originated, and, generally, to the arguments of those individuals who advocated the introduction of East-India sugar, and who would fain force West-India sugar out of the market. He conceived it to be most unjust to attempt to deprive the colonies of the protection which they now enjoyed in the markets of this country. Every species of British manufacture was protected against competition. The same might be said of the linen of Ireland, and of the salt-fish of North America; and why should not the same protection be afforded to our colonial produce? Did those who wished to have the sugar of the East Indies imported into this country, mean to grant to the persons who cultivated it, all the rights and privileges which they themselves enjoyed—all those rights and privileges which were possessed by the West-India proprietors? He believed they did not; and if that were the case, then he came to this conclusion—that the same protection which was afforded to the West-India planters ought to be conceded to them. The advocates for East-India sugar argued, that it ought to be imported, because it was produced by free labour; but, if this argument relative to free labour were carried to its full extent, it would be very unfavourable for many of those who adopted it. Gentlemen would recollect, that the greater part of the cotton which was manufactured in this country, was brought in its raw state from the southern provinces of America (Georgia for instance) and Brazil. Did they not know that a great portion of those who cultivated cotton in Georgia were slaves, and that the whole of the cultivators of cotton in Brazil were also slaves? Were they not apprized of the fact, that the numbers were kept up by constant draughts of negroes from Africa? Now, he would ask, did not those persons who purchased cotton thus raised encourage, nay, aggravate slavery? Why, if they held slavery in such abhorrence, should they encourage it by using the slave-labour of another country? Yet, if they did not, they would be obliged to break up their intercourse with a great part of America, and altogether with Brazil—a sacrifice, which his right hon. friend, the president of the Board of Trade, would not, he apprehended, be very ready to make. Neither did he think, even if the matter were explained to the manufacturers of this country, that they would be ready to accede to a proposition for refraining from the use of cotton the produce of slave-labour. He contended, that the bounty on the exportation of refined sugar, the produce of the West Indies, was perfectly just. He wished that his right hon. friend could bring forward some equitable ar-

rangement, by which the interests of the two parties connected with this question would be preserved, while each of them received a certain benefit. As to the proposition of his right hon. friend, with reference to rum and brown sugar, he feared, if it were not considerably modified, that it would prove an injury, instead of a benefit, to the colonies.

Mr. *Fowell Buxton* said, he should not have trespassed on the House at that time, had he not thought it his imperious duty. The question was one which was foreign to his studies, and on which he felt in general little disposed to address the House. A dry question of duties was not one which he usually liked to speak on; and, before he said any thing further, he could assure the House, that though he warmly opposed slavery, he had not the smallest particle of hostility towards the West-India proprietors. A good deal had been said about the bounty afforded to the West-India proprietors. One gentleman had said it was 8*s.*; another that it was really nothing; and a third had told them it was something, but he did not state what. It was, therefore, he conceived, a fair subject of inquiry. He hoped ministers would grant a committee, before which the facts would be stated; and then he had no doubt that what his hon. friend who introduced the subject had said, would be found to be correct. It was asserted that a rise in the price of sugar was good for the slave, and that a depreciation of price was prejudicial to him. Now, he denied this. A reduction of the price of sugar must of necessity occasion a reduced growth of sugar; and how, he asked, was that to injure the negro? A reduction in the price must produce one of two effects—either the proprietor would cultivate less land, or that if he did continue to cultivate it, he would substitute some other article of growth. In either case, this must be beneficial to the negro. If the proprietor ceased from cultivating his estate, the negro would, of course, be exempted from labour; but if, on the other hand, he continued to cultivate, the negro must be employed in raising provisions. He was sure, that the custom of not growing provisions was one of the greatest evils in the colonial system; and he believed that many persons thought the growth of provisions in the colonies should be attended to almost exclusively. The custom of keeping up high prices by giving artificial bounties, caused the neglect of this branch of cultivation. The removal of a system which had such injurious effects would be extremely beneficial. Take it either way, it must do good: if the cultivator ceased to employ the negroes, there would be a diminution of labour but if he still chose to employ them, there would be an increase of provisions. It was quite clear, that where the least quantity of sugar was grown, the slave was better off than where the cultivation of sugar was carried to a great extent. In Barbadoes, each slave was calculated to cultivate annually five cwt. of sugar; in Jamaica, two and a half; and in Demerara, seven cwt. In the first island, there was a small decrease in the population; in the second a small increase; and, in the third, the diminution was as great as could be occasioned by war, famine or pestilence. This, he thought, was a satisfactory evidence how injurious to the slaves was the cultivation of sugar, and how much they would be benefitted by the necessity of cultivating it being diminished.

Mr. *Trant* feared that the effect of discussions like that which had arisen on the present question would be highly injurious to the interests which were involved in it. He was sure that if similar measures were adopted with respect to the East-India interests, the consequences would be such as must be universally deplored. Whatever might be the opinion of the House as to the principles on which the privileges enjoyed by the West-India proprietors was founded, it would, in his opinion, be equally unwise and unfeeling to take from them at this time those advantages.

Mr. *Bright* said, he should not have been induced, at so late an hour, to have addressed the House, but for the silence which his majesty's ministers had thought fit to observe upon this occasion. He did so now, chiefly for the purpose of expressing his hope, that those persons who professed themselves the friends to the principles of free trade would take care that the West-India interests were not the only exception to the general application of those principles. Those interests had already suffered materially from the effects of a system opposed to that liberal one which was now so warmly praised. The exports from the West Indies to North America had been reduced to almost nothing. He could not sit down without observing on one of the statements which

had been made, in the course of the discussion. It was said, that the mortality among the slaves was proportioned to the great or small production of sugar, in the various places where it was cultivated. In support of this assertion, a comparison was drawn between the slaves in Demerara and Jamaica, and those of the Bahama Islands. Nothing could be less satisfactory than such a comparison; because, the occupation and the habits of the slaves in those places were wholly distinct, and the fertility of the soil was not less different. It would be as just to compare the slaves of Jamaica with those who were employed to work the Mexican mines. It had been said, too, that the condition of the slaves was more to be deplored in those colonies where the production of sugar was ample, than where it was scanty. This was opposed to the concurrent testimony of every man who had written upon, or who knew any thing of, the subject. It was the interest of the planter to take care that his slaves were well fed and clothed; and it was obvious that he was better able to provide for them, when a large supply and better prices were the consequences of their labours. It had been proved, beyond all question, that the condition of the slaves was, in all respects, better in times and places where the general interest was flourishing, than where it was depressed. He would not now enter further upon the subject, but he called upon hon. gentlemen, and upon the ministers in particular, to take such measures with respect to the West-India interests, as were consistent with the principles of free trade; to do justice to those interests; and not to leave them in the lurch, while they professed to extend the benefit of such principles universally.

The *Chancellor of the Exchequer* said, he wished to explain why he had refrained from taking any part in the present discussion. The bill had passed through all its stages up to the third reading, without any objection, or the show of any opposition, having been offered on the subject of the duties. He had, indeed, been given to understand by the hon. member for Weymouth, that it was his intention, and that of some of his friends, to avail themselves of the opportunity which the third reading would give them, of expressing their opinion on a part of the question. He had suggested to the hon. gentleman that such a course would be inconvenient; but still it was preferred, and had now been followed. No opposition had, however, been offered, nor had any alteration been suggested, with respect to the duties. He conceived, therefore, that he was fully justified in remaining silent, and that it could not be thought he had done so from any feeling of disrespect to the gentlemen who had thought fit to express their sentiments on other parts of the measure. What his opinion was, the bill he had brought in sufficiently explained. The duties for the year to come would be the same as they had been for the year past. He felt that, whatever might be the theoretical principles belonging to this measure, it was one of so much difficulty and delicacy, that it would at present be highly inexpedient to act upon them in their rigid extent. Whether future circumstances would occasion a change in the measure he had submitted or not, was what he would not now speculate upon; but, he should have thought it unreasonable if he had proposed any scale of duties different from those contained in the bill.

The bill was then read a third time.

HOUSE OF COMMONS.

Monday, March 21.

CIVIL CONTINGENCIES—DIPLOMATIC EXPENDITURE.] The House resolved itself into a committee of Supply. On the resolution "That 160,000*l.* be granted to His Majesty, to defray the charge of Civil Contingencies, for the year 1825,"

Mr. *Hume* observed, that this grant was one of those which the committee generally voted on the credit of the minister, and on which members were obliged to confine their comments, rather to the expenditure of the past than to the estimate of the coming year. On looking at our diplomatic expenditure, of which part came under this grant, he was compelled to say, that it far exceeded what the country required. The country could not be aware of the sums which it annually paid to its residents at foreign courts: if it were, he was sure there would be a loud demand for its diminution. He could see a reason why it was formerly necessary for this country to have a resident at the different courts of the petty sovereigns of Germany; but he could see no reason why we should not withdraw them at present; since it was notorious that those sovereigns had now no will of their own, but merely moved as the holy alliance pleased

to direct them. Our diplomatic expenditure for the present year amounted to 300,000*l.* Now, for this extravagant expenditure we had no balance, no return; and therefore it was, that he called upon the committee to examine into its details. If, in 1816, when it was proposed to bring within bounds the diplomatic expenditure of the country, any one had said that the same rate of expenditure would be continued for five or six years longer, no body would have credited the assertion; and yet, such had actually been the case; for in the last seven years we had expended 2,060,000*l.* in payment of our ambassadors alone. Surely, some mode of retrenching this expenditure ought to be devised, in order to rid the country of some of the vexatious taxes which pressed so heavily on individuals. He complained of the manner in which the accounts of the diplomatic expenditure were intermingled with those of other departments of the state. For instance, in one class of the civil list, 226,000*l.* was annually charged for the expenses of our ambassadors. Now, in addition to this sum, bills were annually sent in from each of our residents, which reached a most unwarrantable amount. In 1792, they were but 5,900*l.* In 1818, they had reached 27,000*l.*; but, in the last year, they had reached the extraordinary sum of 80,000*l.* So that our diplomatic expenditure at present amounted to somewhere about 312,000*l.*; and this, too, exclusively of the 60,000*l.* which was now wanted for the establishments of our different consuls in South America. He had no hesitation in saying, that our diplomacy for the current year would, in some way or other, cost us 400,000*l.* He contended, that the right hon. Secretary for Foreign Affairs would consult the interest of the public, by withdrawing our ministers from the petty states of Germany. A fund would thus be created for defraying the expenses of our new diplomatic relations with South America; which, if they were not so defrayed, must ultimately become a burthen upon the country.

Mr. Secretary *Canning* said, that the House had, in the year 1816, minutely examined the whole diplomatic branch of the public expenditure, and laid down a scale for its future arrangement. It was therefore by the result of that investigation that they ought to judge of the present establishment. He could assure the House, that he had guided himself by the scale then laid down, in all his arrangements, and had endeavoured, as much as possible, to make such retrenchments as could be made consistently with the public exigencies. With reference to the expense of the different public missions to South America, that was a completely new subject—one of such large extent, and as yet so unexplored, that it was premature to call upon him, either to say, whether any given sum in the shape of a vote should be deemed the utmost extent which the public would be called on to pay, or whether there might be a possibility of diminishing any of the missions already established among those new governments. He could, however, assure the hon. member, that he had carefully examined the allowances given in this branch of the public service, and was of opinion that they might be considered as regulated rather below than above the fair principle of remuneration. It was, he thought, quite clear, with reference to these new governments, that, if this country was disposed to encourage a close connexion with them, we must be prepared to meet the necessary burthens of the new expenditure arising out of such closer connexion. It was, however, as he had already said, a new and unexamined part of the public expenditure at present. As to what the hon. gentleman had said of seeking to defray the expense of this new part of the public service, by a retrenchment out of the diplomatic missions among the smaller states of Europe, he was quite surprised at such a proposition. The hon. gentleman must feel, that, in many of these missions to the smaller powers, there was involved a larger question than the mere expense of diplomacy, which would retard any wish of abandoning the subsisting diplomatic connexion with the minor courts. It was surprising to hear such a wish hinted from the hon. member; who was always the advocate of preserving the independence of this part of the lesser European confederacy, by the aid of British influence. Such a retrenchment as the hon. gentleman had alluded to, would amount, if carried into effect, to an abandonment of public duty. Indeed, he thought that the good-will of those powers was well purchased by the comparatively trifling expense of the diplomatic establishments which it had been their policy to maintain in them; and he could assure the hon. gentleman, that in the three instances in which he had reduced

the expense of these missions, it had cost the British government great pains to convince the courts where reductions had taken effect, that it was not thereby intended to lower them in the estimation of Great Britain, or of the other larger states in Europe. With respect to the Paris mission, he was entirely confident, that the late ambassador would have been unable, without the aid of his private property, to have sustained the dignity of his diplomatic station out of the allowances which were assigned by the government for his use; and as to the present ambassador, with whose private affairs he was better acquainted, he could assure the hon. gentleman, that that noble lord would feel himself perfectly satisfied, if in addition to his allowance of 11,000*l.*, he had not one half as much more, perhaps entirely as much more, to supply from his private fortune. He agreed in the propriety of selecting men of independent fortunes to fill such high offices; but he would add, that they ought not, by undue reductions, to make those offices unfit for others who might be called, without such private advantages, into the service of their country. He thought it was most desirable that the sovereign should be enabled to select the men best qualified to discharge those duties, without reference to accidental advantages, and always to have the office placed upon that proper scale, which would enable such persons to perform its functions in a becoming and honourable manner. He repeated, that he had always endeavoured to regulate this department with reference to the scale agreed upon in 1816; but he must say, that he did not think the mere mention of particular sums in its expenditure, with a circumscribed reference to particular and evanescent circumstances, was the proper way in which the country ought to estimate such matters, either with justice to the individuals, or with reference to the honour and utility of the public service.

Mr. *Hume* said, there was another item to which he wished to call the attention of his majesty's government. He alluded to the item of 8,247*l.* for paying the expenses of the Spanish commission for investigating the claims of British merchants. Where were those commissioners? and what had they done?

Mr. *Canning* said, that though he could not, perhaps, give as satisfactory an account of the progress of these commissioners as might be wished, yet he hoped he could explain both the nature and propriety, as well as necessity, of their appointment. Among other concessions which it had been found difficult to obtain from Spain, there was one that always had been of most difficult persuasion—namely, the tender of pecuniary compensation. It would be recollected, that a few years ago, many British ship-owners had incurred heavy losses, by captures made upon them by Spanish subjects, contrary to the law of nations. They naturally solicited the protection of their own government to obtain redress, and various applications had, in consequence, been made to the then Spanish authorities. After this course had been duly taken, and no proper redress afforded, the government felt itself called upon to issue an order to the British commander-in-chief on the West-India station, to make reprisals upon the commerce of the Spanish islands, to the amount of the British claimants; but it was thought reasonable, when this order was issued, and before it was carried into execution, that the government of Spain should be informed of the fact, before summary measures of redress were resorted to. This led to a further negotiation: in the first stage of which, the Spanish government conceded an acknowledgment of the principle of the British claims, and abandoned that denial of justice which was their previous ground. The matter was then referred, upon the admission of the principle, to a convention, which was to inquire into the specific extent of the losses, for the purpose of their eventual liquidation. During the preliminary proceedings, and before this convention was in progress of execution, the Spanish government underwent a change, and the king of Spain upon his restoration, annulled all the acts of the preceding government; but, subsequently, this single convention was again recognized: indeed, it was the only act of his predecessors which his Spanish majesty had admitted. The convention being thus resumed, the commissioners went to work, but slowly, from the peculiar circumstances under which they had to act. Months were lost before the king of Spain had appointed new commissioners; and he was sorry to say, that, even during the last year, the Spanish commissioners had been changed no less than three times. Notwithstanding these impediments to the execution of the convention, he was glad to state, that of the claims of Brit-

ish merchants, estimated at upwards of 400,000*l.*, nearly 200,000*l.* had been investigated and admitted, by the Spanish authorities—he wished he could add, paid; but money was not easily obtained of late in that quarter. That the whole of the claims would be acknowledged he had no doubt, and he did not absolutely despair of their ultimate adjustment. This object had never been lost sight of by the British government; and had been retarded owing to the untoward circumstances which he had already explained. As to the expenses of the commissioners, they would not be ultimately defrayed by the public generally, but by a per centage levied upon the amount of claims, which was the object of the investigation.

Mr. *Hume* objected to the grant of 1,034*l.* to the Dean and Chapter of St. Paul's, for cleaning and taking care of the monuments in that cathedral. He would submit to the committee, whether there was any possible pretence for making such a grant. The pretensions put forth by the Chapter were certainly of the most extraordinary description. They held, that they had a right to dispose of whatever monuments were placed in the cathedral. The public, for great national objects, had thought it advisable to expend some hundred thousand pounds in the erection of monuments to the memory of those who had achieved great actions, and had devoted themselves to the interests of the country, and the Chapter of St. Paul's arrogated to themselves the right of doing with the national monuments whatever their prejudices, their caprices, or their sordid interests might dictate. The pretensions of this body were certainly most modest. They would not admit that these national monuments, paid for out of the national funds, were in any respect public property; and assuming a right of ownership, they would not allow the public to see them, without paying a fee of admission. The contempt and indignation of the whole country at this paltry and arrogant conduct, had been expressed in every shape, by the press and otherwise; and as the public feeling had not, in the slightest manner, affected the conduct of the Chapter, he would take the sense of the committee upon this grant. He trusted, that the chancellor of the Exchequer would explain the grounds upon which the Chapter presumed to lay such a tax upon the community, and to what fund or account that tax was carried. Whatever might be the amount of this imposition, the principle of it was most odious, and reflected the greatest disgrace upon the body that levied it, and upon the government that permitted the imposition.

The *Chancellor of the Exchequer* expressed himself unable to account precisely for the application of this levy upon the public. It was incumbent upon the Dean and Chapter of St. Paul's to maintain that cathedral in repair, and the keeping of such a building in repair was no small expense. Lately, the building had undergone considerable repair, and from its altitude, it might be conceived that the expense had been considerable. The charge of cleaning and keeping in good condition the numerous monuments in that public edifice was very large. It did seem to him, that the monuments of the country, placed in the great national cathedral in consequence of addresses to the throne, to commemorate splendid actions, ought to be open to the public at large; otherwise the very object of erecting them was defeated. At the same time it was not proper, because such monuments were placed in St. Paul's, that the Dean and Chapter should have imposed upon them the expense of keeping them in repair. However, he was not bound to be responsible for the manner in which the Dean and Chapter exercised their duty; and certainly he was very little inclined to take upon himself any such responsibility for their conduct with relation to the present subject. The Dean and Chapter of Westminster were bound to maintain the Abbey in a proper state; but he was very far from asserting, that they gave to the public the necessary facilities in viewing either the edifice or its monuments. He was aware that very serious complaints had been made in every direction upon this subject, and he was compelled to say, that when he had visited the cathedral with a view of looking at the national monuments, the exhibition had been conducted very carelessly, and in a manner that reflected no honour upon those who had the control of the arrangements. The whole system, at both cathedrals, was conducted in a manner that he by no means approved of: but he did not see that he had any power to require the Dean and Chapter either to reduce their fees, or to alter their management.

Mr. *Hume* was happy to hear so well-deserved a chastisement bestowed upon the

avarice of the Dean and Chapter. The explanation of the right hon. gentleman was not sufficient. They had ample revenues to keep up the church, allowances far beyond the intentions of the founders of any such buildings in any Christian community. They were literally wallowing in wealth. Why should the public be burthened with charges, on account of so rich a body of men?

Mr. *W. Smith* said, it was indeed high time to take up this subject of the exhibition of public monuments in a more serious way; and, if no other way offered, he advised that it should be done by a committee of the House.

Sir *J. Sebright* stated, that, whenever he had conducted foreigners through these splendid buildings, in order to shew them the monuments, so honourable to the country, he had felt thoroughly ashamed at the principle of pecuniary exaction established by the Dean and Chapter, and equally mortified at the whole system upon which these national exhibitions were conducted.

Mr. *Hume* observed, that as the chancellor of the Exchequer had the power of putting a stop to the abuse by withholding the grant of the public money, his inserting this sum in the vote, was a proof that he encouraged the practice of an abuse, which he could not defend in the House.

The several resolutions were agreed to.

COLONIAL POLICY OF THE COUNTRY.] The House having resolved itself into a committee to consider of the acts 3rd Geo. IV. cap. 44 and 45,

Mr. *Huskisson* spoke in substance as follows:*—Although, Sir, the Resolutions with which I shall conclude the observations which I am now about to submit to the committee, are in strict accordance with the recommendation in his majesty's speech from the throne, and with the disposition of this House, in respect to the removal of restrictions upon commerce; I am afraid that it will be necessary for me to trespass, more at length than I could wish, upon the indulgence of the committee.

Considering the many important interests that may be affected, the alarms that may possibly be excited, the predilections that may be awakened, the prejudices that may be roused, by the measures which it is now my duty to propose, I am sure the committee will forgive me if I dwell upon explanations and statements, which might, otherwise, appear to be uncalled-for by the occasion.

I can assure the committee that if I am about to recommend alterations which are at variance with the ancient sentiments of this country, in respect to colonial policy and trade, it is not because I consider the views of our ancestors as necessarily erroneous, or that innovation must necessarily be improvement; but it is, because the circumstances and state of the world, in which we have to examine colonial interests, have changed; and it becomes us, as practical statesmen, to deal with those interests with a reference to that change. It is only in this sense, and with this qualification, that I desire to be looked upon as an innovator. I am not anxious to give effect to new principles where circumstances do not call for their application; feeling as I do, from no small experience in public business—and every day confirms that feeling—how much, in the vast and complex interests of this country, all general theories, however incontrovertible in the abstract, require to be weighed with a calm circumspection, to be directed by a temperate discretion, and to be adapted to all the existing relations of society, with a careful hand, and a due regard to the establishments and institutions which have grown up under those relations.

It was under these impressions, that, in conformity to the notice which I had given, I intended this evening to have requested the attention of the committee to the following subjects: First, The system of our commercial policy in respect to our colonies. Secondly, The expediency of revising many of the duties now payable upon the import of the raw materials used in our manufactures, and of relaxing the prohibitory duties, which, under the name of protection, are now enforced against the manufactured productions of other countries; and, Thirdly, The means of affording some further degree of relief and assistance to the interests of our shipping and navigation. From the bearing of these subjects upon each other, it would certainly have been convenient to have taken them in connexion; but, considering the numerous topics which they embrace, I cannot hope, rising at this late hour, that the patience of the committee

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can be sustained, whilst I advert to them all. I shall therefore, with your permission, confine myself this evening to the first, and in many respects, the most important, head of inquiry—our Colonial System—and postpone the two other branches till Friday next.

It must be well known to every gentleman who hears me, that the long-established policy of all the European powers possessing colonies in the New World, and of this country among the rest, was that of an entire and rigid exclusion of those colonies from all commercial intercourse, except with the mother country. To uphold this exclusion, and to forbid all such intercourse, seemed of the very essence of colonization. In the strict, and even inhospitable enforcement of this principle, Spain, with the largest colonial possessions in the world, shewed herself most determined, and, if I may use the expression, most exclusive. But, without being equally jealous, other powers were not less tenacious of the principle. I cannot give a stronger proof of this, than by reminding the committee, that this exclusive intercourse was held to be a part of the international law of Europe. In our Prize-courts it has been commonly referred to, and acted upon, as the rule of the Seven-years' War. Under this rule, the colony of a belligerent could not claim to carry on trade through the intervention of a neutral, because that neutral was not permitted to participate in such trade in time of peace. But if this has been the long-established basis of the colonial system, need I state the vast inroads which have been made upon this system within the last fifteen years? Let the committee look at the Brazils, that immense country, which was held by Portugal under a strict exclusion, till the migration of the royal family from Lisbon to Rio de Janeiro, in 1808. Let them look at the large and fertile island of St. Domingo; to the present state of those extended regions on the continent of America, lately as colonies of Spain, shut out from all intercourse with the rest of the world. Again, let them look at Cuba, and the islands which have continued their allegiance to the Spanish crown, the trade with which is now open. Considering this almost general revolution in the system of colonial commerce—considering the influence of such a revolution upon the commerce of our own colonies, upon the commerce of rival nations, upon the views, and feelings, and speculations, of the mercantile part of the community, and of our own colonial population, is it not enough, of itself, to warrant, at least, the inquiry, whether so great a change in all around us does not call for some change on our part? I will not now examine how far this inquiry is become necessary, in consequence of our pretensions to participate in the commerce of these foreign colonies, and by the fact of our so participating; or how far, in fairness and impartiality, justice, and that duty, which power, above all, owes to weakness, require that we should reciprocate the benefits which we exact.

These considerations, however important, do not perhaps immediately belong to the present discussion, viewed as a commercial question; but there is another inquiry which, in this point of view at least, it becomes us not to neglect. Have the colonies, of which the trade has been thrown open, benefited by this enlargement of their intercourse? Are they likely to benefit still more? Rivals in the same productions, competitors in the same markets, can we, in the long-run, with our system of monopoly, stand against their freedom of trade? If we cannot, are we not risking the good-will and attachment of our colonies, as well as the interests of our commerce? Is perseverance in such a system, politically wise, or practically safe? Is the great change, begun half a century ago, and still in progress, in the political and commercial state of the vast continent of America, from the Gulph of St. Lawrence to Cape Horn, to lead to no change in our mode of administering the extensive possessions, both continental and insular, which remain under our dominion and protection in that quarter of the globe? Do the immense and rapidly growing commerce and navigation of the United States of America, suggest no matter for consideration, in reference to our own commercial and naval interests? These are important questions, which, in the department allotted to me in the public service, I have asked myself, as a minister of the Crown, and which I now feel it my duty to recommend to the most serious consideration of this committee.

Recollecting that, for centuries, it has been a settled maxim of public policy, in all great states having dependencies, to make the interests of those dependencies subservient to the interests, or the sup-

posed interests, of the parent state; there is, perhaps, no country where the consequences of perseverance in such a system, on the one hand, and of its relaxation, on the other, can be so forcibly illustrated as in our own.

In the first place, let us look at Ireland, till the year 1782, a dependency of Great Britain, in the sense which I have described. It was so not only in fact, but in law, and under the express provision of a statute (6 George 1, cap. 5), entitled, "An Act for the better securing the dependency of the kingdom of Ireland upon the crown of Great Britain." The many other causes which contributed to keep that fertile island in a state of misery and depression I shall pass by, on the present occasion; but is it not a well-known fact, that, till the year 1780, the agriculture, the internal industry, the manufactures, the commerce, the navigation of Ireland, were all held in the most rigid subserviency to the supposed interests of Great Britain? In the year 1778, indeed, it was proposed in the British parliament, so far to relax this exclusive system, as to allow Ireland to import sugar directly from our West-India colonies, for her own use; and, in payment for such sugar, to export her own produce and manufactures (woollens excepted) to those colonies; and further, to allow her to export glass, and some other articles of her own manufacture, directly to foreign parts. What was the reception which these proposals met with in the House of Commons, and on the part of the trading and manufacturing interests of this country? In this House, the opponents of these limited concessions, enumerating the boons which had already been conferred upon Ireland, declared, that to grant any more would be fatal to the commerce and manufactures of England. And what were those mighty boons, beyond which we could not, with safety to ourselves, venture to be liberal to others? Why, that we already allowed the Irish to send their beef and butter to our colonies—a permission, however, only granted from year to year, since the breaking out of the American war—and that we further permitted them to clothe, with articles of their own manufacture, the troops on the Irish establishment, paid and provided by that country, but then serving with our army in North America. To be sure, as compared with these indulgences, the measures then proposed were extravagantly rash and liberal. But were they acceded to by the House? No, Sir. Our merchants and manufacturers, our ship-owners, our country gentlemen—all took the alarm.—All were to be ruined, if we granted the proposed participation to a country almost without any debt, not paying the same taxes with ourselves—a country in which so many of the population were without employment, and where, from these causes, wages were so much lower, and provisions so much cheaper, than in England. Resting upon these and other grounds, petitions poured in from all quarters, and the House was deterred from proceeding with the proposed measures in that session. I have had the curiosity to look back to some of the leading petitions on that occasion. The merchants of Glasgow pray, "that, neither the present, nor any future advantage should be granted to Ireland, which might, in the least degree, operate to the disadvantage of Great Britain:"—so far I go along with them in principle, and I only quote this sentence to show the doctrine then universally assumed—that, in commerce, one country could not be liberal to another, without sacrificing its own interests; and, accordingly, the good people of Glasgow, in those days, maintained, that they had an hereditary right in the sugar trade, and claimed its exclusive possession, for the people of Great Britain, as a property in which Ireland never could be allowed the smallest participation. The language of Manchester was still more decided in reprobating the proposed concession.—With the loyal people of that town, it appeared to involve almost a question of allegiance. Liverpool, also, did not hesitate to predict, that, by the adoption of the proposals, "That town and port would speedily be reduced to their original insignificance."

In the year 1779, a more limited concession to Ireland was proposed in the British House of Commons. It went no further than to allow the Irish to bring sugar directly from our colonies, limiting the supply to their own consumption; but even this measure was negatived upon a division. Towards the close of that year, the events of the war in North America, and the state of things in Ireland, produced a different feeling in the British parliament. State necessity, acting under a sense of political danger, yielded, without grace, that which good sense and good feeling had before recommended in

vain; and in 1782, under the like pressure, these concessions, fortunately wise in themselves, were rendered irrevocable by the repeal of the statute of the 6th George 1.

I will not detain the committee with further details of the progressive measures by which, since that period, all the remaining restraints on the commerce, the agriculture, and the industry of Ireland, have been gradually removed, up to the termination of the Union Duties in the course of last year, and the placing of her commercial intercourse with Great Britain upon the footing of a coasting trade. Many of these restraints, now happily at an end, were too long retained by ignorance and prejudice, by violence and faction, sometimes on the one side, and sometimes on the other. But I would ask any man, the most devoted to the tenets of the old school of commerce, whether he is prepared to maintain that this relaxation, which it was so confidently predicted would be fatal to all the great interests of Great Britain, has not contributed at least as much to augment her wealth and power in agriculture, in shipping, in commerce, and in manufactures, as it has to promote, in all these branches, the advancement of Ireland? I would ask those whom I am proud and happy to designate as my present enlightened constituents at Liverpool, to look back to the fears which agitated the generation which preceded them—to compare with the predictions of those fears the present life and bustle of their commerce—to estimate how much of its unparalleled prosperity, unparalleled in the rapidity of its growth, is due to the freedom of commercial intercourse with that country, from the first earnest of which their predecessors anticipated nothing short of annihilation?

The committee must be aware that, in tracing the advantages which both countries have derived from the removal of all exclusive restraints upon the commerce of Ireland, I am stating a case, in which the progress of relaxation, begun forty-five years ago, and scarcely yet complete, had to encounter many peculiar disadvantages. Among other drawbacks, the committee will recollect the ravages of a rebellion, destructive alike of property and of confidence; the drains of a long and expensive foreign war, to which the resources of Ireland were inadequate:—and yet how much has been done towards laying the foundations of her future, and, now I trust, not distant prosperity? How much for the mutual and concurrent advancement of both parts of the united kingdom in the scale of opulence and power, instead of leaving them in the state of disgraceful contrast to one another?—a contrast perilous to both, and most unjust to the weaker country—in which they must have remained, had Great Britain persevered, as at one time it was but too much her disposition to persevere, in her ancient system of commercial policy towards Ireland.

If from Ireland we turn our eyes to those provinces, which, little more than forty years ago, ceased to be colonial dependencies of Great Britain—whatever we may think of the proceedings which induced them to resort to arms against the mother country—whatever may have been the faults, on either side, which led to that appeal—whatever may, now, be our retrospective opinion of the justice, the policy, or the conduct of the American war—whatever feelings may have existed, at any time, of humiliation and regret, that, by the issue of that war, these fine provinces were, for ever, wrested from his majesty's crown—I would ask any man, whether, abstractedly from these feelings, the disseverance of the United States from the British empire, viewed as a mere question of commerce, has been an injury to this country?—Whether their emancipation from the commercial thraldom of the colonial system has really been prejudicial to the trade and industry of Great Britain? If the answer must be, that it has not been prejudicial, is there no useful admonition to be derived from this example?—Contemplate the possibility of another set of provinces, emancipated from commercial thraldom, but firmly maintaining their political connexion—their commercial marine a part of our commercial marine—their seamen a part of our seamen—their population a part of our strength.—Consider whether it be not worth while to attempt a course which promises, both to those provinces and to the mother country, all the commercial benefits of a free trade, together with all the political advantages of our continuing parts of one great empire, and enjoying alike, under the sway and protection of the same sovereign, all the rights and privileges of British subjects.

Looking to what the United States now are, as a political and maritime power in

the New World,—to the state of other countries in that hemisphere—to their increasing relations with the Old World,—to the intercourse which, in the next fifty years, will probably grow up in the Pacific, between the west of America and the east of Asia—to the British interests, both of commerce and political power, which are involved in all these changes and occurrences, I trust that I shall not be considered as losing sight of the business of this evening, or as harbouring any unfriendly feeling towards the United States, if I look also to the means by which, in a race of fair and honorable rivalry and competition of our commerce and navigation with the commerce and navigation of the United States, these great interests of the British empire are most likely to be maintained.

From all the experience which we can collect from the conduct of this country, in respect to Ireland, and to its colonies,—from all that we witness of what is passing in the colonies of other states, I come clearly to this conclusion—that so far as the colonies themselves are concerned, their prosperity is cramped and impeded by the old system of exclusion and monopoly; and I feel myself equally warranted in my next inference, that whatever tends to increase the prosperity of the colonies, cannot fail, in the long run, to advance, in an equal degree, the general interests of the parent state.

Requesting the committee to bear in mind these general inferences, I will now state how far we have already relaxed the old rigour of colonial exclusion, and how much further I propose to proceed in this career. By the acts which have been read (3 Geo. 4, c. 44 and 45), we have permitted, First, An intercourse between any countries in America, and our colonies, in the ships of those countries, or in British ships; but the first of these acts requires, that the intercourse, at least in the foreign vessel, should be direct from the colony to the country to which the vessel belongs; and it limits very much the articles which can be imported into the colony, according to schedules in which the articles are enumerated; and, Secondly, We have permitted a direct trade from the colonies, in articles of their growth or production, to the ports of foreign Europe; but this trade is confined to British ships, which may also carry from those ports, direct to the colonies, certain enumerated articles of foreign growth.

From this statement, the committee will perceive that, in allowing the countries of America to trade with our colonies in their own vessels, we have, in fact, conceded to the navigation of the United States a privilege which is not granted to any state in Europe; and this privilege, though nominally extended to all countries of America, is really a boon to the United States alone, as the other countries have, as yet, scarcely any commercial marine. What has hitherto been the return made by the United States for this indulgence? In the first session of their congress, which followed the opening of this trade by our act of parliament, they passed a law, imposing alien duties in their ports upon all British ships which might trade between those ports and our colonies, to be levied until the productions of the United States should be admitted into our colonies, upon the same terms and duties as the like productions of any other country, meaning, thereby, the like productions not of any other foreign country, but of our own country, or of our own provinces in North America. This is a pretension unheard of in the commercial relations of independent states. It is just as unreasonable as it would be, on our part, to require that sugar or rum, from our West-India islands, should be admitted at New York upon the same terms and duties as the like articles, the growth and production of Louisiana, or any other of the twenty-four separate states which now constitute the federal Union. Whatever may have been the arguments used to induce the American Congress to adopt this course, their real reason for making the attempt was, I am persuaded, an impression on their part, that we had yielded this intercourse to necessity, and, that, as our colonies could not subsist without it, they might prescribe the conditions under which it should be carried on. To meet this unexpected proceeding on the part of the United States, we were driven to one of these two courses—either again to prohibit the intercourse with them altogether, or, to retaliate the alien duties imposed upon British shipping, by subjecting to the like duties American ships entering the ports of our colonies. Neither of these expedients were in themselves desirable, but we preferred the latter; first, as the mildest, and because the American government manifested a disposition to negociate upon the subject; and secondly, because

a more comprehensive measure, for giving a wider opening to the intercourse of other countries with our colonies, was in contemplation; such a measure as, if adopted, must take away all pretext on the part of the United States for continuing these alien duties, and show them, that, if they do not choose to trade with our colonies upon equal terms with other countries, the colonies can do without their trade altogether.

After this explanation of the mode in which the permission given to the United States to trade in their own ships with our colonies has been received by the government of that country, I would ask the committee, independently of all general considerations, why are we to refuse the like indulgence to the ships of European states? Are we more jealous of the navigation of Denmark, Sweden, Russia, Holland, or the Hans Towns, than of that of the United States? Are we anxious to promote the one, at the expense of repressing the other? Is it fair or politic to grant to the one what we withhold from the other? I think that every man who understands the political interests of England, as connected with the maintenance of her naval power, must be satisfied that this cannot be a wise policy.

There can, therefore, be no doubt that it would be expedient to permit the same latitude of trade to the ships of other countries, as is now allowed to those of the United States. But I go further; I am prepared to open the commerce of our colonies to all friendly states, upon the same principle (though of course with some difference in the detail of its modifications), upon which they are at liberty to trade with Jersey, or with Ireland. With the exception of some articles which it will be necessary to prohibit, such as fire-arms and ammunition of war generally, and sugar, rum, &c. in the sugar colonies,—I propose to admit a free intercourse between all our colonies and other countries, either in British ships, or in the ships of those countries, allowing the latter to import all articles, the growth, produce, or manufacture of the country to which the ship belongs, and to export from such colonies all articles whatever of their growth, produce, or manufacture, either to the country from which such ship came, or to any other part of the world, the United Kingdom and all its dependencies excepted. All intercourse between the mother country and the colonies, whether direct or circuitous, and all intercourse of the colonies with each other, will be considered as a coasting trade to be reserved entirely and absolutely to ourselves. By this arrangement, the foundation of our navigation laws will be preserved, whilst the colonies will enjoy a free trade with foreign countries, without breaking in upon the great principle of those laws, in respect to foreign trade—that the cargo must be the produce of the country to which the ship belongs, leaving the national character of the ship to be determined by the rules which apply in like cases in this country. The importation of foreign goods into the colonies, I propose, should be made subject to moderate duties, but such as may be found sufficient for the fair protection of our own productions of the like nature. The duties, already established by the acts to which I have referred, it is proposed to leave as they are, and to establish a further scale of ad valorem duties, varying from 7½ to 30 per cent upon all articles, the importation of which, from foreign countries, has hitherto been prohibited. The particulars of these duties will be found in the resolutions. They will, of course, form part of the revenues of the respective colonies in which they may be collected, upon the same principle, and subject to the same system of appropriation by the legislatures of those colonies, as the duties already collected, under the acts of the 3rd of the king.

It is for the colonies that the benefit of these arrangements is intended; the duties will form a revenue which will be theirs, and will be carried to their account. They can, therefore, have no jealousy of the new system as one likely to trench upon their constitutional privileges in those respects.

With the further view of encouraging our own trade, and that of the colonies, with the countries of South America, I also propose to extend to certain ports in those colonies the benefits and regulations of our warehousing system, as it is now established in this country, by allowing goods from all parts of the world to be bonded, and deposited in warehouses, without payment of duty, till proper opportunities of selling or exporting them, to advantage, shall occur. Looking to the present state of the countries lately belonging to Spain, this system must be attended with extraordinary advantages. The wants of those vast countries are

numerous; they embrace almost every object of European assortment; but in the present state of society, from the want of capital, and individual credit, and from other causes, these wants are best supplied, as it were, in retail, and by small deliveries frequently renewed. A large cargo, sent directly from England to any of their ports, is not easily disposed of; it gluts the market. It is very desirable, therefore, that the warehousing system should be established in the ports of our colonies with which these countries can most easily and frequently communicate. The Americans have found the benefit of this mode of carrying on traffic, with the late Spanish provinces, from New Orleans; a port which now engrosses a considerable portion of this trade, though not so conveniently situated for the purpose, as some of the ports which we possess in the Gulph of Mexico.

It is not to be dissembled that this is a great change in our colonial system. Should it be adopted by parliament, it will operate somewhat differently in our sugar islands, and in those extensive continental possessions, the provinces of British North America. By opening to our sugar colonies a trade with all other countries, we shall afford them, in the increased competition and economy of a direct trade, a better chance of supplying their wants on reasonable terms, and of finding a demand for their surplus productions. We shall accomplish, I verily believe, though not perhaps at first, the establishment of a new course of trade, as well as of a more extended system of commission and agency, in those colonies. Mercantile houses will be formed in the principal ports, both to supply the wants of the colonies, and to watch, for their own speculations in the general markets of the world, the fluctuations of demand and price in those articles which the West Indies supply. Every step in this change will contribute to introduce a greater proportion and a better description of white population, and gradually, I should hope, to diffuse a new spirit of enterprise, not only in commerce, but in agriculture,—to stimulate endeavours to raise other productions (indigo and silk, for instance), besides sugar, which will increase the cultivation and wealth of those colonies. On the part of the mother country, it will be wise to give every degree of proper encouragement to these new sources of improvement. They will not only add to the value of property in that part of the world, but they will gradually meliorate the moral condition of society, and, by consequence, the internal security of these possessions. It is under these impressions that I shall propose, in revising other duties of customs with a view to the relief of trade, considerably to reduce the duties payable in this country upon many of the minor productions of the West Indies, such as are generally raised by the negroes and people of colour for their own account, or by small white proprietors residing on the spot; in the hope that such a reduction, by increasing the consumption, will contribute to increase the cultivation of these articles, as well as the comforts of those classes by whom they are raised.

These, it may be objected, are but vague and speculative improvements, which may never be realized.—It may be so; but if I am called upon to point out specifically the precise mode and course of operations by which the benefits of this new system are to make their way in the West-Indies, I have no hesitation to avow, that I can do no such thing. Yet in making this avowal, let me remind the committee that, in 1813, when upon the renewal of the East India company's charter, their monopoly of trade was greatly relaxed, the wisest and most experienced men in that trade could not point out, precisely, what new channels of commerce could be opened with the East Indies. Nay, they denied that any new channels could be explored by the private trader, or that any benefits could accrue to India from the relaxation of the former monopoly. But new channels have been explored, new benefits have been conferred;—proving, as the history of all modern commerce proves, that whenever you give a free scope to capital, to industry, to the stirring intelligence and active spirit of adventure, which so strongly mark the present times, you are in fact opening new roads to enterprise, and affording new facilities to the interchange of the productions of the different regions of the earth:—that interchange, of which the advantages must be reciprocal, and of which the extension to new countries is, perhaps, the surest harbinger of their improvement and civilization. I cannot doubt, therefore, that the West Indies, in the course of no very great number of years will add a new proof to those which Ireland, and the United States have already afforded, which so many

other parts of the world are now about to afford, of this great commercial and political truth,—that an open trade, especially to a rich and thriving country, is infinitely more valuable than any monopoly, however exclusive, which the public power of the state may be able, either to enforce against its own colonial dominions, or to establish in its intercourse with other parts of the world:—so true it is, that the wants of mankind, every where, increase with the means of indulging their desires, and that the increase of those means will be best found in that course, which by stimulating industry, creates exchangeable wealth.

If this principle be true in its application to the West Indies, mere plantations, sugar gardens, as it were, tilled by slaves, for the benefit of masters resident in Great Britain—in how much greater a degree must it be true in its application to our North American provinces, where a wider field is open, and a more natural and happier state of society prevails? There you have not a mere plantation, but an immense country. There you have a white population, all free, prosecuting their various pursuits and avocations of life, for their own benefit and happiness, many of them born in the country, and almost all looking to it as their home, and as the home of those by whom they are to be succeeded. That population, taking all the provinces, is not short, perhaps, at this moment, of one million of people, and their numbers increasing very rapidly. With the fertility of the soil in many of their districts, with their natural productions, their harbours, and extent of coast, both upon the ocean and their internal lakes, with their fisheries, and other advantages, I cannot doubt, that without any other encouragement than freedom of trade, and a lenient administration, these provinces will, henceforward, make the most rapid strides towards prosperity—that connecting their prosperity with the liberal treatment of the mother country, they will neither look with envy at the growth of other states on the same continent, nor wish for the dissolution of old and the formation of new political connexions. With a tariff of duties, accounted for to their own treasury, and moreover far lighter than those paid by their neighbours—with a trade as free—with their shipping in possession of greater privileges—themselves in the enjoyment of the same civil rights—they will not be easily moved to acts by which all these advantages may be placed in jeopardy or danger. Such a course is not in human nature. At any rate, let us, as the parent state, fulfil our duties with all proper kindness and liberality. This is true wisdom, affording us, on the one hand, the best chance of perpetuating a solid and useful connexion, and on the other, the best hope if (which God avert), in the progress of human events, that connexion is ever to be dissolved, that the separation may not be embittered by acrimony and bloodshed; and the certain consolation that, however brought about, it will not have been hastened or provoked by vexatious interference or oppressive pretensions on our part. In addition, therefore, to all the advantages which the prosperity of our North American colonies must reflect upon our own prosperity, I consider that, by extending to them this participation of the commercial facilities and privileges which we enjoy, we shall unite the mutual interests, and draw closer the bonds of harmony and good understanding, between us and these valuable dependencies. But viewed as a question of commerce merely, I have no difficulty in stating that, without these changes, they will not, I fear, be able to stand the competition of the United States. To those who have not paid particular attention to subjects of this nature, I shall perhaps best illustrate the disadvantage under which our colonies now labour in this competition, by stating one instance of it.

The fisheries employ a considerable part of the population of Nova Scotia, they also afford employment to the citizens of the neighbouring districts of the United States. In all that relates to the procuring the fish, and the preparing them for a foreign market, the two parties are perhaps upon an equality. But, now, let us follow them to that market, we will say, the Brazils, which is one of the best and most extensive. Each party, it is true, has there an equal facility for selling his cargo; but the cargo, once disposed of, the inequality commences. The citizen of the United States can take in return, any of the productions of the Brazils, and proceed with them, either to his own country or to any other part of the world; and, in the latter case, bartering them away again for the productions of some other country, finally return with another cargo to his own. Not so the Nova Scotian. Many of the staple productions of Brazil,

(sugar for instance), are not admissible in the British provinces of North America. He may take these productions, it is true to the ports of foreign Europe, with as much facility as his neighbour; but then again, if he procure a loading in those ports, he cannot return home with his cargo, because it is not admissible in his own country, except directly from Great Britain. Now, it is this difference, in the mode of transacting the same business, which often makes the profit or loss of the adventure; and from which, among other disadvantages, it is my wish to relieve the king's subjects in North America.

Another essential relief applicable to our colonies and their trade, will, I trust, be found in the abolition of the large fees which are now levied in almost all our colonial ports. These fees, which frequently amount to more than the public duties, both on the ship and cargo, are levied for the benefit of certain public officers. There is, in many of the islands a fee for the governor, another for his secretary, a fee to the naval officer, to the officers of the revenue, and to several others. If a ship proceed from one port to another, as is frequently the case, owing to the state of the markets, these fees are levied at every port. They are not only a heavy burthen, but a great impediment to trade, and have more than once been complained of in this House, particularly by the member for Coventry (Mr. Ellice). Some of the officers to whom those fees are paid, (I mean particularly the naval officers), will, I conceive, be no longer necessary, especially when the commerce of the colonies will be so nearly assimilated to that of the mother country. The officers of the Customs will be quite sufficient to attend to the enforcement of the navigation laws. It is, therefore, intended to abolish the naval officers altogether, making compensation to those who hold their appointments for life, under patent, and allowing a superannuation, in the usual mode, to such as have been appointed only during pleasure. To all the officers in the Customs who are to be continued, it is proposed to give salaries, as in this country, to be paid out of the duties which they will have to collect: and upon the same fund, it will be just to assign the temporary compensations to the other officers, as the discontinuance of their fees will be a relief to the colony in which they were levied; the balance after defraying these charges, to be accounted for, as I have already explained, to the treasury of the colony. The details of this improvement, and the mode of carrying it into execution, appertain of course to the Treasury, and the Colonial Department; but it was right that I should advert to it on the present occasion, as a measure essentially connected with the new system of colonial commerce, which I have now submitted to the committee.

It only remains for me to state two further alterations, of a more local and specific nature. The one relates to the Mauritius, and the other to Canada. The duty on Mauritius sugar, on its importation into this country, is now ten shillings per cwt. more than the duty on British plantation sugar. Last session I proposed resolutions for equalizing those duties; but it was then objected, that the commerce of the Mauritius was not under the same restrictions as existed in the West Indies, and that the inhabitants of that colony preferred freedom of trade to equality of duty. Upon this objection the resolutions were abandoned; but now that trade will be equally free to all, there can be no valid reason (even if there existed any last year) why the Mauritius sugar should not be admitted at the same rate as that of the West Indies. This island is cultivated in the same manner as the West-India islands. I know of no advantage it has over them; whilst its greater distance, by increasing the expense of freight, and its frequent exposure to hurricanes, would seem to place it under some natural disadvantages. From this diminution of duty, which appears to me, in all fairness, due to the Mauritius, I do not apprehend that any serious prejudice can accrue to the West-India planter, as the quantity of sugar grown in that island is not considerable; and, of course, what is sent to Europe must equally influence the price of this article in the general market, whether it finds its way to this country or to the continent.

The measure which I have to propose in respect to Canada, appears to me to be no more than an act of common justice to that colony. It is simply this:—to admit at all times, the corn of that country into our consumption, upon the payment of a fixed and moderate duty. When it is considered that corn is the staple of that colony, I cannot conceive a greater act of injustice, than to have declared to a part of our own empire, as much entitled to

protection as any other part of it, that against that staple the markets of this country were closed. How are the Canadians to pay for the supplies which they draw from this country?—Is it fitting, that, when they make their remittances in this staple, they should do so, without being able to know whether it can be received here?—Whether it is to remain in warehouse, unavailable and unproductive, and at a ruinous expense, for five or six years, depending for its admission into our market upon the fraction of a half-penny, according to the average price in our markets for a few preceding weeks — that average influenced by the conflicting tricks and artifices of the home grower and the home dealer; the result of which cannot be known in Canada for many months afterwards? When this subject is considered by the British agriculturist, it is impossible, that he can view the indulgence which I propose with jealousy or apprehension. That indulgence is, to allow the free import of Canadian wheat, at all times upon the payment of a duty of five shillings a quarter. In addition to the protection of this duty, the British grower will have that of the freight from Quebec to England, which is not less than from twelve to fifteen shillings more. The greatest quantity of wheat which Canada can now supply, may, I understand, be estimated at not more than 50,000 quarters, but even if the importation were double that quantity, and were it to increase more rapidly than I consider probable, such an addition is not likely to keep pace with the growing demand of our population; and whether so or not, I should still maintain, that the principle of the measure is one to which no fair or impartial man can possibly refuse his assent. It only remains for me, thanking the committee for their attention, to move the following resolutions:—

1st.—"That it is expedient to amend several acts of the 3rd and 4th years of his present majesty, for regulating the trade between his majesty's possessions in America, and other places in America and the West Indies; and between his majesty's possessions in America and the West Indies, and other parts of the world; and also an act of the 4th year of his present majesty, for 'regulating the warehousing of goods.'

2nd.—"That the duties imposed by two acts of the 3rd year of his present majesty, for regulating the trade between his majesty's possessions in America and other places in America and the West Indies; and between his majesty's possessions in America and the West Indies, and other parts of the world, or by an act of the 4th year of his present majesty to amend the last-mentioned act, shall cease and determine; and that the duties hereinafter mentioned shall be paid in lieu thereof."

Mr. *Charles Ellis* said, that, in consequence of his connexion with those colonies to which the line of policy stated by his right hon. friend was intended to be adapted, he had listened to his address with no common degree of interest. With respect to the intended alteration in the duty on sugar imported from the Mauritius, he certainly had heard that intimation with some degree of surprise. Considering what had passed when that measure was brought before the House last year, and the manner in which it was abandoned, he certainly did not expect that it would have been introduced on this occasion; but, as many opportunities would occur for discussing those different measures, he would not trouble the committee with any further observations on this subject, except to request, that his right hon. friend would have the goodness, before he brought in his bill, to lay before the House the petition of the inhabitants of the Mauritius against placing them on the footing of a West-India colony. As to the general plan of his right hon. friend, he must say, that the restrictions which he sought to put down, had long pressed on the interests of the West-India colonies, perhaps more than that of any other of the colonies of great Britain. When those restrictions were first proposed, the effect of them was very different. At that time they did not press very hard on the colonies; who were then in full possession of the home market. Many alterations had, however, been since made; and as our colonial possessions had been much extended, it was impossible to continue the system of keeping the trade of those colonies entirely to ourselves. It, therefore, became necessary to alter the colonial code. Those bills to which his right hon. friend had alluded, and on which he meant to legislate, were in consequence introduced; the one allowing a direct trade in British ships from the colonies to Europe, and the other for facilitating the intercourse between the colonies and America. He had expected

much benefit from those measures, but in that he had been disappointed. British merchants did not avail themselves of the permission to trade direct between the colonies and Europe; and the West-India planters found it impossible to overcome the difficulties of their situation, and to divert an old established system of commerce into new channels. He believed that not a single ship load of colonial produce was sent to continental Europe. The reciprocity measure, with respect to America, was also inoperative. He hoped, however, in consequence of the opening of the trade now projected, that foreign powers would take their commodities to the West-Indies, and exchange them there for the produce of the colonies. If this were once the case, he was sure it would rouse the energy of British merchants, who would not allow foreign merchants to keep the whole of the colonial trade with Europe to themselves. Neither did he think that the merchants of the United States would exclude themselves from those ports, when they saw foreigners carrying on a beneficial trade. When the colonies were freed from those heavy charges to which his right hon. friend had alluded, they would, he conceived, find a vent for that surplus produce, the accumulation of which had overwhelmed them. The plan, however, though good in principle, was limited. It was of necessity bounded by the principle of reciprocity. That principle, of course, confined it to those countries that would be disposed to adopt an equally liberal policy. Some of the states of Europe might, therefore, be excluded. They might be unwilling to alter their present colonial system. A very good commercial treaty had been negociated, for instance, with Denmark: but, at the foot of it was placed an intimation, that it did not extend to the colonial trade of that country. His right hon. friend's scheme was also connected with certain protecting duties. What the effect of them would be he could not say; but that must depend on their correct application to particular articles. After the experience this country had had of the effect produced by protecting duties, with reference to the produce of Canada, and in checking the intercourse with the United States of America, he trusted his right hon. friend would not be over sanguine in the success of the present measure. He should be sorry to say any thing ungracious on this occasion; he would not make any objections to the alteration proposed by his right hon. friend, which was unobjectionable in principle, and which, he was sure, was intended to do good. He would much rather look at the other side of the picture. With respect to the West-India islands, their geographical situation adapted them peculiarly for a convenient entrepôt for all our manufactures. Vessels often proceeded to those islands from England almost in ballast; which, under the new system, needed no longer to be the case. Commerce, it was well known, would attract around it every species of industry; and this beneficial alteration in the colonial code might be the means of creating a white population, and of extending cultivation to many other articles besides those now produced in the West-Indies. The tranquillity and prosperity of the colonies would thus be secured; and he certainly felt, that in no other way could they so successfully accelerate the change in the slave population which that House had delegated to the government the task of carrying into effect, as by giving a fresh impulse and energy to commerce and cultivation in the colonies. His right hon. friend's paternal affection for this measure could not inspire him with greater anxiety for its success, than was felt by him (Mr. Ellis); and he hoped the name of his right hon. friend would hereafter be connected with a new and favourable era in the history of those colonies.

Mr. *Baring* said, he could not suffer so important a subject to pass, without expressing his gratification at almost every thing that had been stated by the right hon. gentleman. He thought the measure proposed would be productive of great good, as well to the colonies as to the mother country. There was always this advantage in broad and liberal views of commerce—that they intended to serve all the parties concerned. There were portions of the statement of the right hon. gentleman which could not be exactly understood, until gentlemen saw the resolutions, and the bills that would be founded on them. What he did see, and what he highly approved of was, the general spirit of liberality that pervaded the whole system. He conceived that, from its adoption, the colonies would derive great benefit. It was at length found, that no nation could gain by keeping down and impoverishing her colonies. It was by making them

prosperous and wealthy, that the interest of the parent state was sure to be supported. With respect to the North American colonies, this measure might be called an act of emancipation; for it did emancipate them, for every good and beneficial purpose. Whatever remained peculiar in their situation, would be privileges, and not restrictions. It was impossible that colonies, which were growing more important every day, could exist under the present system of things. If there were no other inducement, the principle of self-preservation called on them to extend the very limited system which now prevailed; and he thought that nothing could effect this desirable object more completely, than the measures of the right hon. gentleman. It was doing an act of justice, of sound policy, and, he would add, an act strictly conformable with the commercial interests of the country. Some of these measures might perhaps find opponents. The question of corn would excite the country gentlemen; any privilege extended to colonial shipping would alarm the ship-owners here; and the same thing might be said of the manufacturing and other interests. But, looking at the proposition as a whole, viewing it with that liberal feeling which it deserved, he was quite sure, that the more it was considered, the more satisfaction it would give. He was one of those who would not willingly injure the West-India interest; but he thought that, when the hon. gentleman who spoke last expressed a belief, that the introduction of sugar from the Mauritius would do mischief to the West-India planters, he was in error. He saw no reason for excluding the Mauritius from the operation of the right hon. gentleman's system. It was a colony belonging to this country; the cultivation of sugar was carried on as it was in the West-Indies; and the cultivators at the Mauritius had a right to claim the boon, on the same grounds that it was extended to other colonies. Besides, the sugar raised there was inconsiderable in point of quantity. He was extremely anxious to see the further development of the right hon. gentleman's plan, with respect to the proposed alterations as to the European part of the system; and particularly that which related to the importation of corn. He did not wish to see the protection which it had been found necessary to afford to the agricultural interest, reduced below that which they had enjoyed before the present restrictive measures were adopted; although it must ever be a matter of regret to all persons who were well acquainted with the subject, that any such protection had been granted. Still, he should be sorry to take away, on any principles of political economy, however he might be convinced of their soundness, that protection which had now been so long enjoyed, and had grown to be so much a part of the system, that the persons interested in it would have a fair right to claim its continuance. In the alteration which had been announced by the right hon. gentleman, it was not, he apprehended, at all probable, that any large quantity of corn would be imported into this country from Canada. The great distance which intervened, the charges of freight, and other losses which must necessarily attach to that importation, would, together with the duty of five shillings, which it was proposed to continue, be sufficient to prevent the influx of Canadian corn, to any extent that could injure the English agriculturist. But it would be necessary—and he threw out this suggestion for the consideration of the right hon. gentleman—to provide against the possibility of any larger masses of corn coming from other parts of the American continent, through Canada. The river St. Lawrence, which comprehended the greatest extent of inland navigation, perhaps, in the whole world, extended to New York on one side, and, by means of the communication which was now about making, to the Mississippi on the other. Facilities would thus be afforded for evading the spirit of the right hon. gentleman's proposed regulation, while its letter would be complied with.—There was another point connected with this part of the subject, on which he wished for some information. He was desirous of knowing whether it was intended to propose any regulation respecting a union between upper and lower Canada, or otherwise to equalize the duties of those two provinces. From their natural situation, all the import and export trade must be carried on through lower Canada: the people of upper Canada were therefore at their mercy, and must pay any duty which they chose to put upon the importation of goods. A measure had been proposed last year; but it was afterwards given up. He agreed with the reasons for which that proceeding had been adopted, because he thought it would at least be highly indis-

creet to take so important a measure without a communication with the districts for which it was to legislate. It was, however, desirable, and in consequence of the proposed arrangement, it became more so than ever, that some regulations should be made, as to the share of revenue which was to be received by each of those districts; or they should be united. He was sure this would not escape the attention of the right hon. gentleman. He rejoiced in the opportunity he had of expressing the satisfaction he experienced from the detail of the right hon. gentleman's plans; which he had no doubt would be as beneficial to the country, as they were in themselves enlightened and liberal.

Sir *F. Burdett* rose, for the purpose of expressing the gratification he felt at the new and liberal view which was taken by his majesty's ministers upon subjects which involved the most important interests of the country. He hoped that they would not suffer any timidity to deter them from carrying the principles which they had avowed into full execution. He was satisfied there was no reason for any such apprehension; and he did not doubt that the government would find that, upon this subject, the general opinion of the country was with them. He did not clearly comprehend all the details of the right hon. gentleman's alterations; but, as far as he did do so, he fully concurred with them; and it was matter of great gratification to him, to find that they were conceived in a spirit of pure and enlightened policy. He trusted, that the principles would be acted upon to the greatest practicable extent in the colonies, and that they would be allowed the full enjoyment of all the advantages which could be derived from their own labour, and ingenuity, and enterprise; not fettered by restrictions which curtailed those advantages, but left at full liberty to pursue their own works in their own colonies, and to send their produce to this country as they might think fit. Every body knew the disadvantages which the West-India proprietors laboured under, in being compelled to send their sugars to the British market in a raw state. Upon no sound principle of commercial policy could such restrictions be maintained; and he hoped that in future all the benefits to which they were fairly entitled would be ensured to the colonists. With respect to the importation of corn from Lower Canada, that measure, he believed, would be almost universally approved of. The real principles of national policy were better understood than they had been at former periods; and those persons who were most interested in this subject had now found that their interest required no monopoly, nor any other advantages, excepting such as they would of necessity enjoy from the command of the home market, and their not being subject to the expense of freight and other charges, to which foreign corn was inevitably liable. He hoped that the same principle would be applied, not only to the corn of Canada, but of every other country, and that a free trade in corn would be established with all Europe. Unless this were done, he was convinced it was impossible that the trade of the country would be extended in the manner it ought to be. No country would trade with us in perfect freedom, unless we were ready to take from it, in return for what we had to give, that which it was able to offer us. It could be in no way advantageous to the country, or to any class of men in it, that their interests should be bolstered up by exclusive privileges. He hoped to see, at no distant period, the extinction of all taxes which were levied upon trade, except such as fairly formed the source of the revenue — that there would be no prohibition against goods imported from abroad, and no restriction upon the exportation of every description of manufacture produced at home. This once accomplished, he had no doubt that the country would advance in prosperity, far beyond any point that it had hitherto attained, and beyond all that the most sanguine mind had yet conceived. The other points of the right hon. gentleman's plan he should not at present further remark upon; but he warmly congratulated him upon the satisfactory nature of the alterations he had proposed; and he conjured him not to let any fears deter him from proceeding in the course he had begun. The public mind was now too much enlightened, and saw too clearly the general interests of the country, to permit any of those obstacles which prejudice or misapprehension might, in other times, have given rise to, to impede the completion of the right hon. gentleman's object.

Mr. *Bright* expressed himself friendly to the principles of free trade, but wished that their application should be made as general as might be practicable. The measures proposed to be adopted, with

regard to the West Indies, were such as were equally demanded by the interest of this country and by justice to the colony. If they had been earlier adopted, the consequences would have been, to prevent many of the evils which had long existed; and he had no hesitation in saying, that if the West-India colonies had been freed from the restrictions they had so long endured, the population would have been infinitely better off in every respect. The case of the Mauritius, to which he should not now allude, was one which stood upon its own merits. He did not quite understand what the right hon. gentleman meant to do, with respect to rum and sugar, and he should be glad, at some other opportunity, to have this explained.

Mr. *Huskisson* said, that it was his intention to include in the list of articles on which prohibitory duties were still to be kept up, sugar, rum, molasses, cocoa, and coffee, the production of any foreign country which might be carried into our colonies, and thence exported here. This measure was obviously necessary to prevent, for example, sugar produced from Havannah, enjoying the same advantages as those enjoyed by our colonies, while the foreign growers refused to grant us any reciprocal benefits. He did not apprehend that much corn would be imported from Canada; and there was still less fear, that any would be brought from the United States; because the latter were not in the habit of exporting their corn, but in the shape of flour. He had no doubt that the result of this measure would be such as the most jealous agriculturist need not fear.

Mr. *Hume* rose, for the purpose of asking whether, during the changes which the right hon. gentleman proposed, it was his intention to take some steps with respect to St. Domingo, so as to put our intercourse with that place on a different footing. We had at present no person there to take care of our commercial interests. He submitted, that, as the time had now come when that country had firmly established itself, and the most entire peace and tranquillity prevailed in it, we ought not to reject the overtures which had been made to us to trade with them. He hoped that the right hon. gentleman's attention would also be drawn to the heavy tax on timber from Canada, and that the timber trade would be relieved from a burthen which pressed so heavily upon it.

Sir *Robert Farquhar* observed, that he perfectly agreed with the hon. member for Bristol in thinking, that the Mauritius was a case that stood upon its own merits; and he felt convinced, from his experience and local knowledge, acquired during the many years he had administered that colony, that whenever that case should be brought forward, and discussed, it would be found to be the hardest and most cruel, that had ever been submitted to the House of Commons, and one that called for immediate relief. The measures proposed had been long due, as the only means of rescuing from utter ruin, a people who were equally exemplary under all their privations, restrictions, and disabilities, for their patience, their intelligence, and their obedience to the laws. In a political point of view, the importance of governing them with justice, kindness, and liberality, must be obvious to every person who regarded the position of the colony, and the population of which it was composed; and in a financial view, the colony, by being relieved from the present excessive duty on the importation into this country of their produce, would be enabled, not only to pay the expense of the civil government and establishments, but the military charge for its defence, and thus relieve this country from a burthen of at least 100,000*l.* a-year—levied, not for the benefit of the country, but for the exclusive protection of that very class to which they, from the exact similarity of circumstances of colonization, naturally and properly belonged, and ought to enjoy equal advantages with; that therefore he had full confidence in the wisdom of his majesty's government for immediately carrying into execution the measure proposed, being one equally founded on the principles of policy, expediency, justice, and good faith; and that the Mauritius would no longer be a solitary example of a British sugar colony, excluded, by enormous and almost prohibitory duties, from the importation of their sugar for home consumption.

Dr. *Lushington* said, he was perfectly ready to agree, that very great advantages were likely to result from the measures which had been proposed to the House, as well to the colonies as to the mother country. Now, however, that the restrictions which had been found to be injurious and unjust were to be taken off, and the Mauritius was to be placed on a footing with the West-India islands, he

would ask, upon what principle it was contended, that the same advantages should not also be enjoyed by the East Indies? There could be no reason why those territories should not enjoy, in their fullest extent, all the benefits to be derived from the liberal system which the government had now resolved to adopt. He said this, not, as it might be pretended, from a wish to reduce the West Indies, but upon the obvious principles of political economy. What, he asked, could be more just, than that the population of the East Indies should be put into possession of the same liberty as was enjoyed by all the other colonies of Great Britain? When he, and those who thought with him on this subject, expressed their desire to alleviate the wretched condition of the slaves in the West Indies, it was said, that the measures which they proposed would have the effect of increasing the distress, which was already too burthensome upon the proprietors in this country. He was, however, inclined to believe, that the distress of those proprietors was chiefly to be attributed to their residence in this country; and that the misery of their slaves was another consequence of the same cause. These absentees cultivated their West-Indian estates by means of agents, whom they bribed with large salaries to manage their property. The agents were actuated solely by the desire to procure large crops, for the immediate benefit of the proprietor, without any regard to the ultimate condition of the estate. The difference between the condition of the slaves on the estates of resident proprietors, and those who were under the control of their agents, was a proof of the truth of this statement.—There was one point of view in which the consequence of the proposed measure had not, perhaps, been sufficiently considered. In the event of a war at any future time, the vessels of neutrals would be allowed to carry freights between the colonies and the mother country. This appeared to him to be a great blessing. In the first place, it would alleviate the miseries of war; and, in the next, it would remove the imputation so commonly cast upon England by America and other nations, of being actuated by a desire to keep to herself the exclusive benefit of conveying merchandize. The main intention of the measure, however, if he comprehended it rightly, was, to ensure a valuable monopoly to the West Indies, and to admit all sugars upon paying a duty of 27s. per cwt. from all colonies having a slave population. The Mauritius, the only colony in which the detestable traffic in slaves had been continued—he said this to the credit of the West-India islands—was to be included. Now, that there should be any distinction made between these colonies and the East Indies he held to be rank injustice. Whenever any attempt was made to improve the condition of the unfortunate beings who formed the population of the former colonies, it was invariably opposed by those gentlemen in the House, who were connected with the West Indies, and who did not scruple to assign motives to those by whom such attempts were made, which, to say the least of them, were wholly unfounded ["hear, hear," from Mr. Gordon]. His hon. friend, who now so loudly cried "hear," had, on a former occasion, when this subject had been brought before the House, got up with so much vehemence, that he seemed ready to devour all who were near him. He did this, because, being himself a large West-India proprietor, he could not endure to hear any thing which even seemed to interfere with the state of things in the colonies, and to alleviate the sufferings of the slave population. He could not help doubting the judgment, although he could not suspect the heart, of his hon. friend, nor that of any other hon. gentleman, when he found him opposing a measure which was calculated to do away with an immense mass of evil which disgraced our West-India colonies. For his own part, and for those who thought with him on this subject, he repudiated with disgust and indignation the imputation, that they were actuated by any feeling of hostility towards the West-India proprietors. On the contrary, he thought those proprietors were entitled to the benefit which was about to be conferred upon them, and he hoped it would be as useful and as advantageous to them, as it was expected to be. Notwithstanding the contumely with which they had treated the British parliament, he hoped that the spirit of animosity by which they seemed to be influenced would subside; and that they would listen with a patient ear to the admonitions of the legislature.

Mr. *R. Gordon* rose for the purpose of replying to the observations of the learned gentleman—observations, which the usage of parliament hardly justified him in making. He did not know to what particular occa-

sion the learned gentleman alluded; but, in his own name and in that of all the other West-India proprietors in that House, he threw back the assertion, that they had endeavoured, by their influence in parliament, or elsewhere, to interpose any obstacle to the amelioration of the condition of the slave population of the colonies. It was very easy for a person like the learned gentleman, who was in the habit of addressing public assemblies, to throw out insinuations against honourable gentlemen, who might find it difficult to reply, with equal fluency, to a charge so unjustly made. He had, however, felt it due to himself to seize the first opportunity of denying altogether the truth of that charge, and of vindicating himself from the imputation which had been cast upon him. The hon. member went on to say, that he approved of the proposition of the right hon. gentleman, and particularly of his intention to introduce the warehousing system into the colonies.

Mr. *A. C. Grant* defended the conduct of the West-India proprietors, and denied that it was their object to make the greatest quantity of profit from their estates. All that they looked to was, obtain a fair return; and with that object they combined a proper attention to the condition of the slaves. The learned gentleman had accused them most unfairly, in that and in other respects. Nothing could be more unfounded than the assertion that the West-India proprietors never would be satisfied, whatever parliament might do for them. On the contrary, they came to parliament, under the most difficult and embarrassing circumstances, humbly asking for relief. All they required was, the protection to which they were justly entitled. After all that had been said in favour of East-India produce, as the result of free labour, the committee must be aware, that it was no such thing. And he would put it to them besides, whether they felt that the tenure by which they held the East Indies, was so perfectly secure as to induce them to legislate in its favour to the disadvantage of the West-India colonies.

Sir *R. Farquhar* begged to state, in answer to what had fallen from the hon. and learned member (Dr. Lushington), that, for many years past, there had been no instance of importation of slaves into the Mauritius; and that there were documents now in England, from the present governor, sir Lowrie Cole, which distinctly declared that there had been no instance of such illicit proceedings, and that the inhabitants held that infamous trade in the utmost detestation.

Mr. *Evans* protested against the principle of giving a preference to the labour of slaves, over that of freemen.

The resolution was agreed to.

POLICE MAGISTRATES BILL.] The House having resolved itself into a committee of the whole House, to take into consideration the subject of the Salaries of the Police Magistrates of the Metropolis,

Mr. Secretary *Peel* requested the attention of the committee to the subject upon which he proposed to address them; namely, the pecuniary allowance which the police magistrates of the metropolis received for their services. It was his intention to propose, that those individuals should receive an addition to the salary they at present received; a proposition which, he trusted, would not be considered at all unreasonable. He held in his hand papers, from which, if he chose to enter into any detail, he could prove, to the satisfaction of the committee, that since the institution of police magistrates, the business which devolved upon those individuals had, owing to various acts of parliament, independently of the increase of population, greatly augmented. Although that circumstance would, of itself, be a sufficient reason for increasing the salary of the magistrates, he rested his proposition upon grounds which he hoped the committee would consider even more satisfactory. When the police magistrates were first appointed, it was the practice to select individuals to fill the office, who, he must say, were utterly incompetent to discharge the duties which devolved upon them. He found, from the papers which had been laid on the table, that out of twelve police magistrates appointed at a former period, there were only three barristers; the rest were composed of a major in the army, a starch-maker, three clergymen, a Glasgow-trader, and other persons who, from their previous occupations, could not but be utterly unqualified to perform the duties of magistrates. The law had fixed no limitation with respect to the previous education of persons appointed to the office of magistrate; but he thought the committee would be pleased to hear, that a limitation on that point had been prescribed by the Secre-

tary of State. Neither his noble predecessor in office (lord Sidmouth), nor himself, had ever appointed a person to fill the office of magistrate, who had not been a barrister of three years' standing. That was a rule to which, in his opinion, it was most desirable to adhere. But, in order to enable the Secretary of State to abide by that rule, and carry it into practice, it was necessary to augment the present salary of the police-magistrates. He implored the House to consider whether 600*l*. a year, the present salary, was sufficient to induce a barrister to give up the emoluments of private practice and the hope of preferment in his profession, to undertake the duties of a magistrate, which required their almost constant attendance. It could not, he thought, be considered an unreasonable proposition, that, in future, the Secretary of State should be empowered to give to each police magistrate the sum of 800*l*. per annum. He hoped he should not be told, that individuals might be found, who would be willing to undertake the magisterial duties for a less sum. It was very true, that such was the case. He was constantly receiving applications from persons who were anxious to be appointed police magistrates. Those applications proceeded principally from country magistrates, who had discharged the duties of their offices ably and satisfactorily; but whom, nevertheless, he did not think it right to appoint to be police magistrates in the metropolis. He held the unpaid magistracy in as high respect as any man; but he could easily conceive, that a gentleman might, in consequence, of the influence which he derived from local circumstance—the relations of landlord and tenant, for instance—be able to discharge the duties of a country magistrate in a satisfactory manner, who would be incompetent to undertake the very important ones of a police-magistrate. "Police-magistrates' was the name generally given to the magistrates to whom he alluded, but those persons were mistaken who supposed that the duties which they had to perform were merely executive. They were called upon to administer the law in a great number of complicated cases which were submitted to them. Out of some recent acts of parliament many very important questions arose, which the police-magistrates were called upon to decide. Several nice cases had occurred under the building acts. He knew one case of that description, which had occupied the attention of the magistrates for a couple of days; during which surveyors were examined on both sides. He thought that a salary of 800*l*. a year was not more than a fair remuneration for the practice which a barrister must abandon, when he undertook the duties of a magistrate. It appeared to him, that the individuals appointed to administer justice in this country were more parsimoniously dealt with than in any other country in the world. He thought it was poor economy, to give an inadequate remuneration to individuals selected to administer justice, whether in the high office of judge, or in the less, but still very important, office of police-magistrate. He might, he did not doubt, get persons—those who could not succeed in their profession—the refuse of the bar —to fill the office of police-magistrate, at a lower salary than he proposed to give; he might save 100*l*. or 200*l*. a year by such a proceeding, but the public would have cause to lament it. The present police-magistrates were of the highest personal respectability, and performed their duties to the great satisfaction of the country. There were thirty in number; only four of whom were not barristers. The right hon. gentleman concluded with moving, "That it is the opinion of the committee, that each of the Justices appointed, or to be appointed, under an act for the more effectual administration of the office of a Justice of the Peace in and near the Metropolis, shall be allowed such yearly salaries not exceeding 800*l*. as shall be directed by one of His Majesty's Principal Secretaries of State."

Sir *J. Sebright* approved of the proposed addition to the salaries of magistrates, which he thought would have the effect of rendering the body more respectable; and stated, that he was old enough to remember the trading justices, than whom there were not a more contemptible set of persons.

Mr. *Hobhouse* said, he did not rise to oppose the plan, but to guard himself against sanctioning any proposition, the tendency of which might be, to increase the influence of the Crown. He understood that there were at present 820 barristers, and no fewer than 400 places to which barristers were eligible. What he wanted to know was, whether the salaries were to be all raised immediately by this measure; or whether it was to be at

the option of the Secretary of State to raise some, and to leave others without any advance, as he might think proper. If the Secretary of State was to exercise any such discretion, he should say "no" to the proposition. He did not wish to allude to circumstances now gone by, and he hoped never to be repeated, when an individual (sir R. Baker) was removed from the magistracy, not by the right hon. gentleman opposite, but by another secretary, contrary to the feelings and wishes of the whole body of the people. The mere question of money did not weigh with him. It was only the principle that he was anxious to guard.

Mr. *Peel* said, that if the committee should agree to the resolution which he had proposed, the increase would be extended to every police magistrate. As a proof that there was no wish on the part of government to favour particular magistrates, he might mention, that though the last resolution for regulating the amount of their salaries was passed ten or twelve years ago in precisely the same terms, he believed, as that which he had now proposed, there was no distinction at the present moment in regard to the salaries of magistrates. They all receive 600*l.* a year. With respect to what the hon. member had said respecting the patronage of the Crown—ift hat were any object, it could be much better attained by giving the appointments to gentlemen from the country, rather than from the bar.

Mr. *Hume* did not think that 800*l.* per annum was too much for a magistrate to receive; but he was of opinion that the present number of magistrates might be reduced. In what way were the thirty magistrates to be disposed of in the metropolis? Could not the right hon. Secretary have effected his object, by raising the salaries and reducing the number? If the salary was raised, would not three be amply sufficient, where four were in an office? He wished to know what were the number of offices, and what the hours of attendance?

Mr. *Peel* said, that the question of the propriety of reducing the number of magistrates had been considered in a committee, which was appointed at his suggestion two sessions since, to inquire into the state of the police of the metropolis. In 1792, London was divided into nine districts, to each of which three magistrates were appointed. Notwithstanding the great increase of population, and the consequent augmentation of business, no addition had been made to that number, except by the appointment of magistrates to the Thames-police—a most useful institution. A great part of the business transacted in the police offices was done in the presence of two magistrates. He considered that a good arrangement; as one magistrate acted as a check on the other. This being the case, it was necessary to have a third magistrate attached to each office, to provide some little relaxation for the other two. He could assure the House that the periods of relaxation were very short. The office was open from ten in the morning, till eight in the evening; and during that time, the magistrates were compelled to be in constant attendance. The jurisdiction of the magistrates of Union-hall extended over a district containing not less than 243,000 inhabitants. In one month, July 1823, not less than 176 cases of assault came before the magistrates of that office; and in July 1824, the number of assault cases was 150. This was independent of all other cases. It was evident, under these circumstances, that the number of magistrates could not be reduced, without great inconvenience to the public, and prejudice to the administration of justice. That, at least, was the opinion which the committee to which he had alluded had come to on the subject.

The resolution was agreed to

HOUSE OF COMMONS.

Tuesday, March 22.

PRIVATE COMMITTEES—WANT OF ACCOMMODATION.] Mr. *Calcraft* called the attention of the House to the great inconvenience which had been felt by many members attending private committees, from the want of sufficient accommodation. There was at present a great press of private business and much confusion and delay had arisen, from the want of a sufficient number of rooms in which the committees might sit. On that very day he had seen not fewer than 150 persons sitting in the body of the House, transacting business in private committees. Now, he was certain that nobody would object, on the score of economy, to having a sufficient number of rooms for the accommodation of members in their private committees. As he was on the subject, he could not avoid observing, not only on the general want of accommodation, from

not having a sufficient number of rooms, but also on the state of the rooms to which private committees could have access. They were, for the most part, so narrow and confined, that members, witnesses, and other persons attending, were much annoyed by the heat and pressure. He trusted the attention of government would be turned to this subject.

Mr. *Stuart Wortley* thought the subject was one which deserved serious attention. It was a source of much confusion, and a great obstruction to the progress of private business, to have, as was frequently the case, two committees sitting at the same time in one and the same room, where it sometimes happened, that two counsel were at the same moment speaking before each committee. This, of course, created great annoyance, and had the effect of rendering the observations of each unintelligible.

General *Gascoyne* bore testimony to the inconvenience felt by members, from the want of large rooms for private committees. It sometimes happened that the whole of the members appointed on a committee could not obtain admission for want of room; or, if they did, the room was so crowded, that they could with difficulty pass from one side of the room to the other. It was not an uncommon thing to see a hundred members mixed with witnesses and strangers in the same room.

Mr. Secretary *Peel* admitted, that the subject was one which deserved attention. It was evident that if the press of private business should continue, something ought to be done to afford additional accommodation. He would do all in his power to afford the desired remedy.

Mr. *Littleton* thought that the occupation of the House during the day by private committees, would be found particularly inconvenient to members attending in the afternoon, as it would create an unwholesome air. He thought, therefore, that if possible this use of the House during the day should not be permitted.

The *Speaker* said, that the application had been made to him during the morning by the sergeant, who had stated, that some committees could not proceed for want of room. He had therefore given leave to the parties to sit in the House itself. It must be clear, that any improvements which might be made, could not take place in the present session; and he did not see, if the press of private business continued, how he could refuse to allow parties to hold their private committees in the House, unless the House itself signified its dissent.

ROMAN CATHOLIC RELIEF BILL.] Mr. *Estcourt*, seeing an hon. baronet in his place, would wish to put a question to him. It was generally reported, that the second reading of the bill which he had obtained leave to introduce, was fixed for the 14th of April, and that the discussion on it was to take place on that evening. Perhaps, many gentlemen were not aware, that the 14th of April would be in the middle of the quarter-sessions week, and that it would be a great inconvenience to hon. members who were magistrates to be obliged to be absent from their duties in the country. He wished to ask the hon. baronet, whether he would consent to the postponement of the discussion from the 14th to the 21st.

Sir *F. Burdett* said, it was true that the second reading of the bill had been fixed for the 14th of April. That arrangement had been made with several freinds of the measure; and it was understood that it would be convenient for all parties. He felt disposed to meet the wishes of the hon. gentleman, if it could be done without injurious delay to the bill; but, on a question of this importance, where the opinions of others were to be taken, he would not take upon himself to decide. He would therefore defer answering the hon. member's second question until to-morrow.

Mr. Secretary *Peel* was anxious that the discussion on the second reading should be deferred at least a few days longer than that which the hon. baronet had named. It was three weeks since the hon. baronet obtained leave to bring in the bill. That time had been occupied in drawing it up, and it was not yet introduced. It was also understood, that new measures had been introduced into it, which had not been discussed or heard of on the former debate. It was therefore necessary that time should be given for the consideration of those measures, before the general discussion on the principle of the bill was gone into. Let the hon. baronet recollect that it would be necessary to communicate with Ireland on the subject of these new measures. To the friends of emancipation it must be important, that it should not owe its success to the unavoidable absence of

many of its opponents. He hoped, therefore, the hon. bart. would consent to the postponement. As he was on this subject, he felt it right to state, that he would take the sense of the House on the second reading of the bill.

Mr. *Tierney* trusted, that the hon. baronet would not depart from the arrangement already made for the second reading of the bill. He was anxious, as a friend to the measure, that it should be forwarded from that House as early as possible, in order to give full time for its discussion in the other House. Even without any alteration of the present arrangement, it could not go up to the other House before the end of the first week in May, which would not leave a very long time for its discussion, between that and the end of the session. The right hon. gentleman had said, that three weeks had elapsed since leave was given to bring it in, and that it had not yet been introduced. That was true; but let him recollect, that the Irish assizes had intervened, and that nothing could be done until they were ended, as so many gentlemen interested in the bill were absent. At all events, the non-introduction of the bill could make no difference, as it could not be read a second time till after the holy-days. He thought it would not be treating the other House fairly, if as much time as possible were not allowed them for the discussion of the measure. He did hope, therefore, that, considering the magnitude of this question, and the great importance that as little delay as possible should occur in its progress through that House, the hon. baronet would not give way.

Mr. *Peel* hoped, that, in the expression of his wish for delay, it would not be imagined that he was actuated by any improper motive; but it was, in his opinion, important that full time should be given for the most mature consideration of this subject, and that a day should not be chosen for the discussion which might be found inconvenient to any party. The delay of a few days could not make any difference, as the discussion was on the principle of the bill. A call of the House was fixed for the 13th, and this discussion was to take place on the 14th. We were now near the holy-days, and they would last a fortnight; so that, in fact, very little time would be given for the consideration of the measure, if the discussion were fixed at so early a day after the meeting of the House. He repeated that so early a day would be found inconvenient to many members; and let hon. members who were friendly to this measure recollect, that several gentlemen who concurred with them in the principle, might be very unwilling to vote until they knew what ulterior measures were to be adopted. He did hope, under all the circumstances, that if the hon. baronet could not concur in the delay of a week, he would consent to postpone it for at least four or five days beyond the time fixed.

Mr. *Tierney* repeated his opinion, as to the importance of allowing as little delay as possible to take place in the progress of the bill; and assured the right hon. secretary, that though he saw no reasonable cause for acceding to his wish for postponement, he gave him full credit for the fairness of the motive which induced him to make the request.

Sir *F. Burdett* said, it would be a great pleasure to him to find that he could accede to the wishes of the right hon. secretary, as he was anxious, as far as depended upon him, to consult the convenience of all parties; but, after the weighty reasons which had been stated by the right hon. gentleman below him, for proceeding with the measure without loss of time, the right hon secretary must allow him to take time till to-morrow, before he could give him any further answer.

IRISH POOR RELIEF BILL.] Mr. *Grattan*, in rising to ask for leave to bring in a bill for the Relief of the Poor in Ireland, said, that the object of this measure was to leave it optional in parishes to assemble in vestry to appoint a committee to investigate the state of their several parishes, to receive reports from such committee, and to collect subscriptions to relieve distress, in case the committee should be of opinion that distress existed. If the subscriptions should not be equal to the relief of the distress which they were intended to obviate, his plan was, to enable the vestry to assess the parish to a certain degree. As his bill was only an experimental measure, he designed to limit its duration to a given time, in the hope that during that interval some other plan might be devised to enable the poor of Ireland to support themselves. His bill had no resemblance to the Poor-law of England; though he must say, that if some system to relieve the poor had existed in Ireland in the years 1816 and 1822, all those evils which the country

so much deplored might have been avoided. For his own part, he did not expect that any permanent tranquillity would be found in Ireland, until it had the benefit of some parochial system.

Mr. *Goulburn* said, he had no intention of opposing this measure in its present stage. He thought that the best time of considering the merits of the bill would be on its second reading. It was a subject which required deep and serious attention; for the points to which the hon. gentleman had so briefly alluded were, in his opinion, of paramount importance.

Sir *H. Parnell* hoped his hon friend would examine the case, as regarded Ireland, thoroughly; for if he did, he was satisfied he would see that the best policy was, to let the matter alone. If the poor-laws were introduced into Ireland, as appeared from the evidence before the committee on the state of that country, before a few years passed the whole rent of the landlords would be swallowed up in that gulf of national prosperity.

Mr. *V. Fitzgerald* contended, that if a system of poor-laws were introduced into Ireland, it would perpetuate its poverty and degrade its population for ever. He regretted that his hon. friend had not deferred the introduction of his bill until the committee on the state of Ireland had brought in its report.

Sir *James Mackintosh* said, he had only one observation to make on this question. It was his deliberate opinion, that the poor-laws were the only curse which had not been inflicted on Ireland; and he earnestly trusted that the House would not consent to inflict it upon that country, after the experience it had had of their lamentable consequences in England.

Mr. *Curwen* would not give any opinion upon this bill at present; but, when he heard so much said about the poor laws, he thought it right to mention a fact which had fallen under his own knowledge. Since the enactment of the law giving magistrates in England power to pass to Ireland such natives of that country as became chargeable to English parishes, the Irish in England had not only become more sober and industrious, but more prudent and provident than they had formerly been.

Mr. *Baring* was of opinion, that the objection to the poor laws rose more out of the abuse than the use of them. He declined giving any opinion on the hon. gentleman's bill, because, to say the truth, he did not know what the hon. gentleman meant by it.

Mr. *M. Fitzgerald* doubted whether Ireland could ever be placed in a fit condition to receive a system of poor laws. But though that was the case, the House would be wanting both in humanity and in good sense, if it shut its eyes to the condition of the poor of Ireland; most of whom were at that present moment thrown upon the state for support. He trusted that, if his hon. friend did not, some other member would, originate a bill which should do justice to the pressing nature of their wants and emergencies.

Mr. *Carus Wilson* did not object to the poor-rates so much on account of their burthen, as on account of the abuses connected with their administration.

Mr. *Monck* said, he had formerly been hostile to the poor-laws, but had recently seen cause to alter his opinion. Had it not been for the poor-laws, he believed that the peasantry of England would, during the late winters, have been quite as turbulent as the peasantry of Ireland had been.

Mr. *Bennett* was of opinion, that if the poor-laws were introduced into Ireland, manufactures would be established, and capital would flow into it. He was therefore glad that this bill was introduced as an experiment, and trusted that the hon. gentleman would persevere with it to the end; as, if it were carried, it must be productive of singular advantages to Ireland.

Leave was granted to bring in the bill.

Law of Settlement.] Mr. *S. Bourne* entered into a short history of the Law of Settlement, of the various changes that had been made in that law, and of its present state; and, observing that, in consequence of doubts that existed in the minds of many persons, and, among the rest, of a learned judge on a recent occasion, with respect to the construction of certain parts of that law, it was desirable that such an alteration in the law should take place as might remove all doubt upon the subject, moved for leave to bring in a bill "for alteration of the Law of Settlements, in so far as regards renting of tenements, and being assessed to the poor-rates."

Mr. *Curteis* approved of the principle of the bill, but wished that some securities should be introduced against persons returning from sea after long absences, obtaining settlements.

Colonel *Wood* was for a mixed calcula-

tion of property and rating as the claim to settlements. To adhere to the latter exclusively would be productive of considerable injustice: for many a person who had 10*l.* in property would be deprived of a settlement, unless his property had been rated at a similar sum.

Mr. *Sykes* concurred in the principle of not adopting value as the criterion of settlement. The frauds to which the former course was opened were notorious; for upon any occasion three or four witnesses could be got to swear to property, whereas the evidence as to rating could be derived only from the parish books. He was friendly to any arrangement which would go to diminish the number of settlements.

Colonel *Davies* recommended the repeal of all the present laws relating to settlement, and making birth the only claim to that provision.

Mr. *Bennett* preferred rating to value, as the more simple of the two criterions. The facility of producing the parish books in evidence of rating, was at all times preferable to oral evidence of the value of property.

Mr. *S. Bourne* said, that one of his objects was, to render the parochial charges less burthensome. He had once attempted to establish the law on what he considered an equitable principle—a certain residence; but he had found it necessary to abandon it. He had formerly also desired to facilitate the acquisition of settlements. The observation, however, that the labouring residents in any parish who were not entitled to a settlement in that parish, were in general the most industrious and the best conducted, had induced him to change his opinion. He should be glad to ascertain, as extensively as possible, the general sentiments of the country, with respect to the objects of the bill for which he had just moved; and therefore after it was brought in, and the blanks were filled up in the committee, he should refrain from any further proceeding upon it until after the recess; in order that the details of the measure might be discussed at the quarter-sessions throughout the country.

Leave was given to bring in the bill.

WINE DUTIES BILL.] The House resolved itself into a committee on this bill.

The *Chancellor of the Exchequer* said, that the only alteration in the resolutions which he had the honour to propose some time since would be this—that, up to the 5th January, 1830, the duty on Cape wines should be 2*s.* per gallon; but after that period the duty to revert to its former standard of 2*s.* 6*d.* per gallon.

Mr. *Hume* wished the right hon. genleman, for the benefit and encouragement of the trade, to make the duty 1*s.* 6*d.* a gallon for two years, and 2*s.* for three years, which would cover the term of five years, on which the right hon. gentleman propose to reduce the duty.

The *Chancellor of the Exchequer* said, he could not comply with this suggestion. He had already met the trade half-way, and he generally found that to meet a party on such occasions half-way was to satisfy him.

Colonel *Palmer* stated his reluctance in giving an opinion upon a subject wherein he was personally interested; but, considering himself in some measure to be more acquainted with it than others, and perhaps enabled to give some information, he wished to make a few observations upon the reduction of the duties. It appeared to him that, unless means were taken to prevent the monopoly of the trade, the public would derive but little benefit from the measure. As to the port trade, the remedy was in the hands of the government, who had only to call on Portugal for the performance of her engagement, in the treaty of 1810, which would effectually protect the trade from the monopoly of the Oporto Wine Company, and at once throw it open for the benefit of both nations. As to French wines, and especially claret, the same monopoly existed, but from a different cause; that trade being governed, for the most part, by a few merchants at Bordeaux, who supplied a few merchants in London, who on their part considered the reduction of the duty as an injury, instead of benefit, to themselves. This was stated to him by an individual of the trade, before the reduction took place, who observed, that it would be injurious to his (the hon. member's) interest, as a claret-grower, by opening the market to the cheaper wines of France; but, however that might be, it would at least be a benefit to the public, and especially those who, from having visited France since the peace, preferred the wines of that country, to be enabled to purchase them at a price they could afford; whilst, on the other hand, looking to the principles of free trade adopted

by government, he was surprised that, having made up their mind to a reduction of half the duty, they should still leave France the only exception to the rule, and thus deprive both nations of the benefit of their measure; for the difference of duty still shut the door of the English market to the general entry of French wines; and as to claret, admitting the price to fall the amount of the duty lowered, was it to be supposed that the saving of 15*l.* out of 100*l.* to 120*l.* would induce the purchaser to increase his consumption? This brought him to the information which he considered a duty to offer to the public, and also to the trade. He had no hesitation in saying, that the price of claret in this country was at least double what it ought to be, and actually was, before the late war with France, when the consumers in England and Ireland were in the habit of purchasing the best at about 25*l.* the hogshead. What, then, had been the causes of the increase of price and the decrease of consumption? First, the augmentation of duties during the war, which, independent of the necessary increase of expense, raised it higher by the additional capital required, and other expenses of the trade, which brought it into the few hands in which it had since remained; added to which, the consumer had the profits of two intermediate parties to pay, betwixt the grower and himself; first, the Bordeaux merchant, who purchased of the grower, and who skimmed the cream of the bargain for his own benefit; and then the London merchant, who, what with the price at Bordeaux, the heavy addition of the duty, long credit and bad debts, was obliged to charge an exorbitant sum to pay himself. But this was hard upon the consumer willing to pay a just price for the article; and the best remedy for the evil would be, for the London merchant to buy of the grower, to enable him to supply his customers at a cheaper rate, and prevent their saving him future trouble, by importing their own wine. But, to effect this, certain prejudices which had hitherto favoured the monopoly it would be necessary to remove. For instance, it was asserted, and generally believed, that the best claret was only grown upon the estates called Chateau Margaux and Lafitte; whereas that made upon others was equally good; and not a hundredth part of the claret sold by the merchants under these names, came from the estate of either. In proof of this, he declared, as a proprietor, that the vines upon his own property (to say the least of it) were in all respects whatever, equally good as those of Chateau-Margaux; and that the claret of the well-known vintage of 1815, made upon his estate, and landed in England from his cellar at Margaux, was equally well flavoured and full-bodied as the best of the same vintage from the merchants' cellars at Bordeaux. The first assertion, as matter of fact, he was ready to prove, if not to the satisfaction, at least in the teeth of any Bordeaux or London merchant who might have asserted or believed to the contrary; and the other, as matter of opinion, he would refer to those who had tasted both wines, at the best cellar and table in the kingdom. It was also said, that the pure claret had not body enough for the English market; this was true with respect to ordinary years, but the claret of superior vintages had sufficient body for this climate, and was preferred generally by the best judges in its natural state; whilst all that was or could be added, without destroying the quality, was a certain portion of hermitage, which involved no secret nor difficulty whatever in mixing. —He had thus stated the causes of the high price of claret; but if the right hon. gentleman, who in bringing forward his budget, had observed how much the increased duty on wine had checked the hospitality which formerly was the character of the gentry throughout the country, who from the ease and independence of their circumstances were enabled to keep up that social intercourse and friendship which formed one of the greatest enjoyments of life, and the best criterion of the general happiness of the people—if the right hon. gentleman wished to promote that object on one hand, and to make up to the revenue for reduction of duty by increased consumption on the other, he would avail himself of the opportunity which the expiration of the treaty with Portugal now afforded, of equalizing the duties upon foreign wines, and by opening the English market to those of France, contribute to the mutual interest and good understanding of both nations.

Mr. *Bernal* wished to submit to the right hon. gentleman one circumstance connected with the duties on wines, which appeared to him deserving of attention. It was known that, at present, independently of the duty on wine, there was

a separate duty on the glass bottles in which the wine was imported. This duty operated, particularly in the case of French wines, to a very oppressive extent.

The *Chancellor of the Exchequer* said, that undoubtedly the duty on bottles imported into England from wine countries, whether those bottles were full or empty, was about 8*d.* on each bottle, besides 8*s.* 3*d.* per cwt. on the glass; so that the gross duty was very nearly 1*s.* on each bottle, and, pro tanto, therefore, increased the expense of the duties it contained. It was a subject that had before been pressed on his attention and it should receive it; but the hon. gentleman would remember, that there existed in this country a very old excise duty on our glass bottles; so that, under any modification that might hereafter be adopted, foreign bottles must still be taxed, in reference to that excise duty.

CALEDONIAN CANAL BILL.] On the bringing up of the report of this bill,

Mr. *Hume* expressed a hope, that the chancellor of the Exchequer would, by advertisement, or in some other manner, dispose of the canal to some Joint-Stock Company. Such a measure would, he felt convinced, be productive of much advantage.

The *Chancellor of the Exchequer* said, he had no objection to adopt the course pointed out by the hon. member, provided he would allow him to nominate him principal director [a laugh].

Mr. Alderman *Wood* observed, that if his hon. friend had been earlier appointed to that situation, he had no doubt but a considerable saving would have been made in the expenditure of that canal.

The report was agreed to.

HOUSE OF COMMONS.

Wednesday, March 23.

ROMAN CATHOLIC RELIEF BILL.] Sir *Francis Burdett* brought in a bill, "for the Removal of the Disqualifications under which his majesty's Roman Catholic subjects now labour," and moved that it be read a first time.

Mr. Secretary *Peel* said, that before the bill was read a first time, he was anxious to know whether it was drawn up in conformity with the petition presented by the hon. baronet on the first of March?

Sir *F. Burdett* replied, that the object of the petition which he had formerly presented was, to obtain the removal of certain disqualifications which affected the Roman Catholics, in consequence of certain oaths which they were called on to take, antecedently to their admission into certain offices. His bill was intended to meet, as far as was possible, the prayer of that petition.

Sir *T. Lethbridge* said, he not only intended to object to the details of the measure, but to the principle upon which it was founded. Though the right hon. Secretary, to whom the country owed such a debt of gratitude for the strenuous and uniform resistance which he had offered to the claims of the Roman Catholics, had announced his determination not to offer any resistance to this bill until its second reading, he could not allow one single stage of it to pass by, without expressing his intention of giving it his decided opposition. Of the bill itself, he knew nothing at present; but he conceived it to be founded upon a series of resolutions, which the hon. baronet had carried after a speech of singular temper and moderation, which had conferred no less credit upon the hon. baronet, than it had advantage upon the cause he had advocated. He did not wish to give any unnecessary trouble to the House; but as there were several reports abroad respecting this bill, to which it was impossible that he could shut his ears, he begged leave to say a few words regarding them. He had heard, that this bill was framed, not merely on the resolutions which had been formally sanctioned by the House on a former night, but on several other principles, which had never been regularly submitted to its consideration. One of those principles, he understood, was the principle which had been promulgated by the hon. Secretary for the Admiralty. That principle, though it might not be new to those who had read the various treatises and pamphlets which had issued from the press on the subject of the Roman Catholic claims, was still new to the House of Commons. It had never till now been stated in the House, that a pecuniary establishment ought to be formed for the support of the clergy of the Roman Catholic church. [Sir F. Burdett here intimated this bill did not contemplate any such establishment.] He was glad to hear it. There was, however, he understood, another principle mixed up with it, which related to the elective franchise of Ireland.

[Sir F. Burdett intimated, that the hon. baronet was mistaken.] Well, then, he was to understand, that this bill was not intended either to create an establishment for the Roman Catholic clergy, or to alter the elective franchise in Ireland. He was glad of it; but still his objections to it were not at all removed. At any rate, the bill went to alter the Test act, and so far to change the ancient constitution of the country. If this bill repealed the oaths of supremacy and abjuration, so as to render them palatable to the Roman Catholics, it must be pretty nearly the same bill which had before undergone the consideration of parliament. If that were the case, novelty could not be urged as an objection against it; but the same objections which had formerly been urged, might be repeated, with all the confirmation which they had received from recent transactions. He allowed that, on the last debate, he had heard arguments advanced by the advocates of concession, which were not only very fascinating in themselves, but much stronger than any which he had ever heard advanced upon any former occasion. Still, he must say, that he had not yet heard sufficient to satisfy him, that more could be granted to the Roman Catholics, without danger to the constitution of these realms as by law established. He had not heard several very essential points of the popish creed properly explained; and till that was done, he could never consent to give those who held it, any thing like unqualified emancipation. They were told, however, that they had nothing to do with the religious tenets of the popish creed, and ought only to look at the political bearings of this important question. This he denied, even at the risk of being denominated a fanatic, or a bigot. "I know," said the hon. baronet, "that a great endeavour has been recently made to throw new lights upon this subject. I regret, however, that they have not been brought into such a focus, that any member of this House might seize them in his grasp and make himself master of them." He did not know whether it was orderly for him to refer to what had passed in the committee then sitting above stairs; but he had been informed by hon. members who had paid great attention to what had taken place there, that, several witnesses had made depositions of a very extraordinary nature. Four bishops, as they were called, of the Catholic church,—men of great learning, great piety, and unblemished character,—, had given evidence before that committee, which not only upset all the notions which were usually entertained regarding Catholicism, but which even went to trip up every thing which members of their own body had previously written upon the subject. There was a certain Dr. Doyle, who had formerly published certain papers or pamphlets under the signature of J. K. L. He had himself read those pamphlets, and had always considered them to contain the authentic writings of that reverend doctor. He had likewise been accustomed to think the reverend doctor a person of such weight and influence in the Catholic church, that it was almost sacrilege to doubt his word. If the reverend doctor asserted, that he was not the author of those pamphlets, it would be the better for his consistency; but, until he made such assertion, he must be permitted to state, that there was a marvellous difference between the doctrines which he had committed to paper, and those which he had recently detailed to the committee. But perhaps it might be, that the Roman Catholic church had recently adopted new doctrines; and if so, much of his former objections might possibly be removed. He did not, however, expect to have that point admitted; and, until it was admitted, he must continue to press his former objections. He owed an apology to the House for anticipating the effect of evidence which would hereafter come before it: he could not refrain, however, from noticing it incidentally, when he was told, that this question was not at all religious, but entirely political. He should certainly have to present several petitions on the religious part of the question, which, to say the truth, was the essence of it, notwithstanding the apathy which at this moment prevailed throughout the country. He regretted the existence of that apathy, because he was convinced that it was not in unison with the real feelings and general sentiments of the people.

Mr. Secretary *Peel* said, he did not rise with any intention of provoking any discussion, upon this stage of the bill. He rose to say a few words, which he almost deemed unnecessary; to prevent its being supposed that, because he did not oppose the first reading of this bill, his zeal in the cause had become abated. As the House, by its decision on a former night, had sanctioned the principle on which this bill was founded, and, in point of fact, had

ordered it to be brought in, he conceived it to be only fair, that the House should be allowed to see it; and he would therefore postpone his opposition to it until it came to the second reading. But, though he did not intend to take the sense of the House at present, he wished it to be distinctly understood, that his opinions on this question were entirely unchanged —that his objections to the principle of this bill were as strong as ever—that he was not inclined to enter into any compromise with the Catholic body—that he should give to this bill the same determined opposition which he had given to every bill with the same object which had preceded it—and that he should most certainly take the sense of the House on the second reading. He abstained, however, from entering into any discussion on the measure at present; because, from the state of the House, it could only be partial, and must be attended with little benefit. He hoped, however, that even those gentlemen who differed from him as to the principle of this measure would, if they succeeded in carrying it through its next stage, pay great attention to the details of it, when it reached the committee. The details of such a bill must at all times be a matter of great importance; and now that it was notified to the country, and promulgated to the world; that the person who prepared the draught of it was Mr. O'Connell, the leader of that Association which the House had deemed it prudent to suppress, he could not see any reason why their attention should be diverted from them.

Mr. *Tierney* said, that, after the candid and manly declaration of the right hon. Secretary, nobody could venture to accuse him of inconsistency in opposing the second reading of this bill, after he had acquiesced in the first reading of it. It was not, however, to make that observation that he now trespassed on the attention of the House; but to say a few words, by way of comment, on an assertion that had fallen from the right hon. Secretary. The right hon. Secretary had asserted, that it had been publicly notified to the world, that Mr. O'Connell was the person who had prepared the draught of the bill which the hon. baronet near him had just introduced. Now, as one of the committee which had been appointed to draw up this bill, he begged leave to say, that he knew of no such proceeding. Ever since the Catholic deputation had been in England, he had so guarded himself that he had not had one minute's political conversation with Mr. O'Connell: on the contrary, he had carefully avoided it. He had before stated, and he would now repeat it, that his object was, to do what was right on this question, without any regard to the Catholics, as a separate body; that was, to do what was right to the empire generally, and not what was right to any portion of it in particular. He had, therefore, assisted in drawing up this bill, as well and as ably as he could; and, as one of the committee which prepared it, he would say, that he did not know, and did not believe, that Mr. O'Connell had drawn it up. That Mr. O'Connell would not willingly say any thing that was untrue, he most sincerely believed; but, that he laboured under some error or other was manifest. He thought he saw the way in which Mr. O'Connell's error had originated. Some gentlemen of the committee might have consulted Mr. O'Connell on the subject of this bill, and he, in return, might have communicated to them his sentiments in writing. Those sentiments Mr. O'Connell might have considered as the foundation of the bill; and so it might have got abroad that he had drawn it up. If, however, by the statement that Mr. O'Connell had drawn up the bill, it were meant to be insinuated, that the committee had delegated to Mr. O'Connell the duty which the House had delegated to them, he must be permitted to give a most peremptory denial to such an insinuation, and to say that no others but the committee had been engaged in preparing it for the consideration of parliament.

Mr. Secretary *Peel* said, he had not imputed any blame to the members of the committee. For the statement he had just made, he had no other authority than a letter from Mr. O'Connell, which he had read in the newspapers. The authenticity of that letter had never, he believed, been disputed. There was a distinct assertion in it, that the preparation of the draught of the bill had been committed to Mr. O'Connell; and it was upon that assertion, that he had made the remarks which he had just offered to the consideration of the House.

Lord *Hotham* begged to put a question to the right hon. member for Knaresborough. Did this bill provide for the support of the Catholic clergy, or make any alteration in the elective franchise of Ireland? He should certainly vote against

the bill, unless it contained some provision on both these points.

Mr. *Tierney* replied, that it was impossible for the committee, after the instructions it had received from the House, to introduce in one bill three such distinct measures as Catholic emancipation, a provision for the Catholic priesthood, and an alteration of the elective franchise in Ireland. It was competent, however, to any member of parliament, to bring in a bill to effect either of the two measures to which the noble lord had referred. It had been the object of the framers of the bill to make it as palatable to all parties as they possibly could; but, on the subjects to which the noble lord alluded, they had not received any instructions. It was, therefore, no dereliction of duty on their parts, not to meddle with those subjects; on the contrary, it would have been a dereliction of it, had they ventured to undertake them.

The bill was then read a first time.

Sir *F. Burdett* said, that with every desire to meet, as far as he could, the convenience of all parties, he felt, after long consideration, that he was compelled to adhere to the notice which he had originally given, and to bring on the second reading on the 14th of April.

Mr. *Estcourt* lamented sincerely, that the hon. baronet could not postpone the second reading for a few days, on account of the inconvenience which it would occasion, not only to those members of the House who were magistrates, but to the magistracy of the country at large. He lamented it also upon another ground. If this bill—to which he intended to give his strenuous opposition—should be passed into a law, he should wish to see it digested with the utmost care and attention; so that it should be at least stripped of all that was objectionable as to time, arrangement, and so forth. Now, if this bill were to be hurried through the House at a time when half the members were absent in the discharge of other duties, it could not undergo that minute examination to which it would be subjected, if the House were full. An extraordinary time had been selected for the second reading of this bill. There was but one week in the whole session in which, by law, a large portion of members ought to be in their different counties, discharging their duties as county magistrates; and yet this was the very week selected for the discussion of this important question. If the hon. baronet would only postpone his motion for four days, the gentlemen on his side of the House would have no objection to offer. The slightest extension would render the hon. baronet's motion, in respect of time, much more palatable.

Mr. *Sykes* said, that if he were merely to consider his own convenience, and that of the magistrates with whom he usually acted, he should take the same view as the hon. member who had just spoken. His hon. friend, the member for Westminster, had been at considerable pains in collecting the opinions of all parties, as to the proper time of bringing on this discussion; and, after consulting the convenience of all of them, he had felt himself under the necessity of adhering to his original resolution. One of the objections which had been raised by the last speaker might easily be obviated. It was not necessary that quarter-sessions should be held on the day on which they were opened. They must commence on a certain day; but, after being opened, they might be, and often were, adjourned to other days, to suit the convenience of the magistracy.

Mr. *C. Wilson* considered it unwise either to exclude these gentlemen from the discussion on so momentous a question, or to deprive their respective counties of their attendance at the quarter-sessions. He should move, therefore, as an amendment, that the second reading of the bill be fixed for the 20th of April.

Mr. *Calcraft* entreated the hon. baronet not to turn a deaf ear to the appeal which had been so strongly made to him. Upon a question of this nature it was important to preserve unanimity. He therefore trusted that his hon. friend would not bring forward a measure of this great consequence so near the holydays, that gentlemen who had country duties to attend to might not be put to inconvenience. Besides, it was unusual to have a call of the House upon the first day after the adjournment. A delay of three or four days in the proceedings of the Lords, at this period of the session, was not very important. For all these reasons, he hoped his hon. friend would fix the discussion, for the 20th or 21st.

Mr. Secretary *Peel* trusted, that the hon. baronet, whose whole private life evinced such a disposition to candour and honourable dealing, would feel the necessity of postponing the discussion to such a period as would allow of the fullest attendance.

Sir *F. Burdett* trusted the House would give him credit for a desire to meet the wishes of all parties. As, however, such a feeling for further postponement was manifested, he should comply with it, and fix the second reading, for Tuesday the 19th of April.

On the motion of Sir John Newport, the call of the House was fixed for Monday, the 18th of April.

Copy of the Roman Catholic Relief Bill.] The following is a copy of the said bill, as brought in by Sir Francis Burdett:

A Bill to provide for the Removal of the Disqualifications under which his Majesty's Roman Catholic Subjects now labour.

Whereas the Protestant Succession to the Imperial Crown of this united kingdom and its dependencies, is, by the act for the further limitation of the Crown and the better securing the liberties of the subject, established permanently and inviolably:

And whereas the Protestant espiscopal Church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the Protestant Presbyterian Church of Scotland, and the doctrine, discipline, and government thereof, are, by the respective acts of Union between England and Scotland, and between Great Britain and Ireland, therein severally established permanently and inviolably:

And whereas after due consideration of the situation, dispositions, and conduct of his Majesty's Roman Catholic subjects, it appears just and fitting to communicate to them the enjoyment of the benefits and advantages of the constitution and government happily established in this united kingdom, so that all his Majesty's faithful and dutiful subjects may grow into one nation; whereby there may be an utter oblivion and extinguishment of all former dissentions and discords between them, thus consolidating the Union between Great Britain and Ireland, and uniting and knitting together the hearts of all his Majesty's subjects in one and the same interest, for the support of his Majesty's person, family, crown, and government, and for the defence of their common rights and liberties:

And whereas by certain acts passed in the parliaments of Great Britain and Ireland respectively, certain declarations, commonly called the declaration against Transubstantiation, and against Transubstantiation and the Invocation of Saints, and the sacrifice of the mass, as practised in the church of Rome, are required to be made and subscribed as qualifications for the enjoyment of certain offices and franchises: And whereas the said declarations are in the words following; that is to say:

"I, A. B. do declare, That I do believe, "that there is not any transubstantiation "in the sacrament of the Lord's Supper, "or in the elements of bread and wine, "at or after the consecration thereof, by "any person whatever."

"I, A. B. do solemnly and sincerely, in the "presence of God, profess, testify and de"clare, That I do believe, that in the sa"crament of the Lord's Supper there is "not any transubstantiation of the ele"ments of bread and wine into the body "and blood of Christ, at or after the con"secration thereof, by any person what"soever. And that the invocation or "adoration of the virgin Mary, or any "other Saint, and the sacrifice of the "mass, as they are now used in the church "of Rome, are superstitious and idol"atrous. And I do solemnly, in the pre"sence of God, profess, testify, and de"clare, that I do make this declaration, and "every part thereof, in the plain and or"dinary sense of the words read unto me, "as they are commonly understood by "English Protestants, without any eva"sion, equivocation, or mental reservation "whatsoever, and without any dispensa"tion already granted me for this pur"pose by the pope or any other authority "or person whatsoever, or without think"ing that I am or can be acquitted before "God or man, or absolved of this declar"ation, or any part thereof, although the "pope or any other person or persons, or "power whatsoever, should dispense with "or annul the same, or declare that it was "null or void from the beginning:"

And whereas the said declarations relate only to matters of spiritual and religious belief, which do not in any manner affect the allegiance of his Majesty's subjects:

May it therefore please your Majesty, That it may be enacted; and be it enacted, by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all such parts of the said acts as require the said declarations, or either of them, to be made or subscribed as a qualification for the exercise or enjoyment of any office, franchise, or civil right, by any of his Majesty's subjects, be, and the same are, hereby absolutely repealed; save as hereinafter provided.

And whereas by divers acts passed in the said parliaments of Great Britain and Ireland respectively, the oaths of allegiance, supremacy, and abjuration, therein provided, are required to be taken, for certain purposes therein mentioned: And whereas his Majesty's Roman Catholic subjects in Great Britain and Ireland have been at all times ready and desirous to take the said oaths of allegiance and abjuration, in common with his Majesty's other subjects, but entertain scruples with respect to taking the oath of supremacy,

inasmuch as they apprehend that the same might be construed to import a disclaimer of the spiritual authority of the Pope, or church of Rome, in matters of religious belief; be it therefore further enacted, that from and after the   it shall and may be lawful for all or any of his Majesty's Roman Catholic subjects, in all cases where the said oath of supremacy is now by law required to be taken as a qualification for the taking, holding, or enjoying any civil right, office, or franchise, in lieu and place thereof, to take, make and subscribe the oath following (that is to say):

"I, A. B. do sincerely promise and swear, "That I will be faithful and bear true allegiance to his present Majesty, and "will defend him to the utmost of my "power against all conspiracies and attempts whatever, that shall be made "against his person, crown, or dignity; "and I will do my utmost endeavour to "disclose and make known to his Majesty, his heirs and successors, all treasons "and traiterous conspiracies, which may be "formed against him or them: And I do "faithfully promise to maintain, support, "and defend, to the utmost of my power, "the succession of the Crown, which succession, by an act, intituled, 'An Act "for the further Limitation of the Crown, "and better securing the Rights and "Liberties of the Subject,' is and stands "limited to the Princess Sophia, Electress "and Duchess Dowager of Hanover, and "the heirs of her body, being Protestants; "hereby utterly renouncing and abjuring "any obedience or allegiance unto any "other person claiming or pretending a "right to the Crown of these realms: "And I do swear, that I do reject and "detest, as unchristian and impious, the "position, that it is lawful to murder or "destroy any person or persons whatsoever, for or under pretence of their being "Hereticks or Infidels; and also, that "unchristian and impious principle, that "faith is not to be kept with Hereticks or "Infidels: And I do further declare, that "it is not an article of my faith, and that "I do renounce, reject and abjure the "opinion, that princes excommunicated "by the Pope and council, or any other "authority of the see of Rome, or by any "other authorities whatsoever, may be deposed or murdered by their subjects or "by any person whatsoever; and I do "promise, that I will not hold, maintain "or abet any such opinion or any other "opinion, contrary to what is expressed "in this declaration: And I do declare, "that I do not believe that the Pope of "Rome, or any other foreign prince, prelate, state, or potentate, hath or ought to "have any temporal or civil jurisdiction, "power, superiority or pre-eminence, directly or indirectly, within this realm: "And I do hereby disclaim, disavow, and "solemnly abjure, any intention to subvert the present Church establishment "for the purpose of substituting a Roman "Catholic establishment in its stead: And "I do solemnly swear, that I will never "exercise any privilege to which I am "or may become entitled, to disturb the "Protestant religion or Protestant government in this kingdom: And I do solemnly, in the presence of God, profess, testify and declare, that I do make this "declaration and every part thereof, in "the plain and ordinary sense of the "words of this Oath, without any evasion, "equivocation or mental reservation whatever, and without any dispensation already granted by the Pope, or any authority of the see of Rome, or any person whatever, and without thinking that "I am or can be acquitted before God or "man, or absolved of this declaration, or "any part thereof, although the Pope, or "any other person or authority whatever, shall dispense with or annul the "same, and declare that it was null or void.

"So help me God."

And that the person so taking, making, and subscribing the same, shall be capable of taking, holding, and enjoying such right, office and franchise, as fully and effectually to all intents and purposes, as if such person had made, taken, and subscribed the said oath of supremacy; save as hereinafter provided.

Provided always, and be it further enacted, that nothing in this act contained shall extend or be construed to extend to dispense with, repeal or alter any of the laws now in force respecting the succession of the imperial Crown of these realms in the Protestant line, or respecting the marriages of the descendants of his late majesty king George the second, or for establishing the uniformity of public prayers or administration of sacraments in the united episcopal Church of England and Ireland.

Provided also, and be it further enacted, that nothing in this act contained shall be construed to enable any person or persons, otherwise than as they are now by law, enabled to hold, enjoy, or to exercise any office, beneficial place or dignity, of, in or belonging to the said united church of England and Ireland, or to the Church of Scotland, or any place or office whatever, of or belonging to any of the ecclesiastical courts of judicature of this realm, or any court of appeal from or review of the sentences of such court or courts, or of or belonging to any cathedral or collegiate or ecclesiastical establishment or foundation within the same; or any office or place whatever of or belonging to any of the universities of this realm, or any office or place whatever, and by whatever name the same may be called, of, in or belonging to any of the colleges or halls of the said universities, or of the colleges of Eton, Westminster, or Winchester, or any college or school of ecclesiastical foundation

within this realm; or to repeal abrogate or in any manner to interfere with any local statute, ordinance, or rule, which is or shall be established by competent authority within any such university, college, hall or school, and by which Roman Catholics shall be prevented from being admitted thereto, or from residing or taking degrees therein: Provided also, that nothing herein contained shall extend or be construed to extend to enable any person professing the Roman Catholic religion, to exercise any right of presentation to any ecclesiastical benefice whatsoever, and that in every case in which a right of presentation is or shall be vested in a person professing the Roman Catholic religion, the same shall be, and continue to be, exercised in the same manner, and in no other, than is now by law required; save and except where such right of presentation shall belong to any office in the gift or appointment of his majesty, his heirs and successors, in which case if such office shall be held by a person professing the Roman Catholic religion, it shall and may be lawful for his majesty, his heirs and successors, to appoint by commission under the great seal, such member or members of the privy council, being a Protestant or Protestants, as he or they shall think fit, to be a commissioner or commissioners for exercising such right of presentation, whilst such office shall be held by a person professing the Roman Catholic religion: Provided also, that nothing herein contained shall extend or be construed to extend, to enable any person being a Roman Catholic to hold and enjoy the office of lord high chancellor, lord keeper or lord commissioner of the great seal of Great Britain or Ireland, or of lord lieutenant or lord deputy, or other the chief governor or chief governors of Ireland.

And be it further enacted, that it shall and may be lawful for any of his majesty's Roman Catholic subjects personally to appear in any of his majesty's courts of Exchequer, King's-bench, Common Pleas or Exchequer, at Westminster or Dublin, or before any judge of assize, or in any court of general quarter-sessions in Great Britain or Ireland, or in any of his majesty's courts of session, justiciary, or exchequer, or in any sheriff or stewart court, or before the magistrates and councillors of the royal burghs, or before the council of their respective burghs in Scotland, and there, in open court, between the hours of nine in the morning and two in the afternoon, to take, make, and subscribe the said oath hereinbefore described to be taken; and that the proper officer of such court with whom the custody of such record shall remain, shall make, subscribe, and deliver a certificate of such oath having been duly made, taken, and subscribed, to the person who shall have so made, taken, and subscribed the same, as often as the same shall be demanded: and such certificate shall be sufficient evidence of such person having duly taken, made, and subscribed such oath as aforesaid; and that from and after the no oath or oaths shall be tendered to or required to be taken by his majesty's Roman Catholic subjects, who shall take, make, and subscribe the said oath last hereinbefore described, and obtain such certificate thereof as hereinbefore prescribed for enabling them to hold or enjoy any real or personal property, other than such as may by law be tendered to and required to be taken by his majesty's other subjects; and that the said oath herein before prescribed, being duly made, taken, and subscribed, and such certificate thereof obtained as aforesaid, shall be in the place of, and as valid and beneficial to all intents and purposes, for the persons so making, taking, and subscribing the same, as if such person had duly made, taken, and subscribed the several oaths now by law required to be taken by his majesty's Roman Catholic subjects, as qualifications for the enjoyment of any civil right, office, or franchise, or of any real or personal property: Provided always, That nothing herein contained shall be held to dispense with the taking of the said oath hereby appointed to be taken in the place of the said oath of supremacy, in all cases where the said oath of supremacy is now by law required to be taken.

And whereas it is expedient that such precautions should be taken, in respect of persons in holy orders professing the Roman Catholic religion, who may at any time hereafter be elected nominated or appointed to the exercise or discharge of episcopal duties or functions in the Roman Catholic church in Ireland, or to the duties or functions of a dean in the said church, as that no such person shall at any time hereafter assume the exercise or discharge of any such duties or functions within the United Kingdom, or any part thereof, whose loyalty and peaceable conduct shall not have been previously ascertained, as hereinafter provided; be it therefore enacted, That it shall and may be lawful for his majesty, his heirs and successors, by a commission to be issued under the great seal of Ireland, to nominate and appoint such persons in holy orders professing the Roman Catholic religion, and exercising episcopal duties or functions in Ireland, as his majesty, his heirs and successors, or the lord lieutenant or lord deputy, or other chief governor or governors of Ireland, shall from time to time think fit to be commissioners under this act, for the purposes hereinafter mentioned.

And be it further enacted, That any number not less than of the said commissioners, shall form a board for executing the several powers and duties by this act vested in the said commissioners.

And be it further enacted, That it shall and may be lawful for his majesty, his heirs and successors, from time to time, at his and their will and pleasure, to revoke and determine the commission aforesaid, or any commission issued under the provisions of this act, and to cause a new commission to issue instead thereof.

Provided always, and be it further enacted,

That such new commission shall issue within after the revocation and determination of the commission so revoked and determined as aforesaid; and provided always, that every such new commission shall consist in like manner of Roman Catholic ecclesiastics exercising episcopal duties or functions in Ireland as aforesaid; and that every commissioner to be appointed under this act shall, before he acts as such, take and subscribe the following oath:

"I, A. B. do promise and swear, That I "will, without favour or affection, preju- "dice or malice to any person whatsoever, "faithfully and impartially, and to the "best of my judgment and discretion, ex- "ecute and perform the duties of a com- "missioner vested in me by virtue of an "act of the fifth year of the reign of his "present majesty, intituled, 'An act,' "[here insert the title of the Act], and "will honestly and truly advise his majes- "ty in all matters which shall come be- "fore me as a commissioner under the "said act; and that I will not directly or "indirectly publish, disclose, or make "known, except to his majesty, or by his "majesty's command, any matter or thing "whatsoever which shall come to my "knowledge by reason or in consequence "of my being a commissioner under the "said act.

"So help me God."

And be it further enacted, That it shall be lawful for the said commissioners so to be appointed as aforesaid, or any of them, from time to time to certify to his majesty, or the lord lieutenant, lord deputy, or other chief governor or governors of Ireland, the appointment of any bishop or dean to be hereafter appointed in the said Roman Catholic church in Ireland; and which certificate shall be in the words following (that is to say):

"We do hereby certify, That A. B. having "been previously chosen and recom- "mended by certain ecclesiastics of the "Roman Catholic church of Ireland, to be "a bishop or dean [as the case may be], "of the said church, has accordingly been "appointed a bishop or dean [as the "case may be], of the said church: And "we do believe the said A. B. to be a "loyal subject of his majesty."

And they shall transmit a duplicate of such certificate to the bishop or dean named therein.

And be it further enacted, That every person who shall, after the commencement of this act, commence exercising the functions of a bishop or dean of the said Roman Catholic church in Ireland, shall, instead of the oaths now by law required to be taken by his majesty's Roman Catholic subjects in Ireland, take, make, and subscribe the oath hereinbefore appointed to be taken by his majesty's said Roman Catholic subjects, instead of the said oath of supremacy; and shall, at the time of taking the same, deliver to the proper officer of the court before which he shall take the same, the said duplicate certificate so to be transmitted to such bishop or dean as aforesaid, and such officer shall indorse thereupon a certificate of the said oath having been so taken, and shall return the same to such bishop or dean; and the said certificate, so indorsed as aforesaid, shall be evidence of such bishop or dean having taken the said oath: Provided, That no bishop or dean to be hereafter appointed in the said Roman Catholic church, in Ireland, shall act as such, until such duplicate certificate shall be delivered or transmitted to him as aforesaid.

And whereas it is fit to regulate the intercourse and correspondence between his majesty's subjects of Ireland and the see of Rome; be it therefore further enacted, that from and after so often as any subject or subjects of his majesty in Ireland, shall receive any bull, dispensation, or other instrument, from the see of Rome, or from any foreign body or individual whatsoever, or from any person or body whatsoever in foreign parts, acting under the authority of the said see, or under that of any other spiritual superior, the person or persons so receiving the same shall within after receiving the same, deliver the same, or cause it to be delivered in the original, to the president of the said board of commissioners, who shall lay the same before the said board of commissioners, who shall forthwith inspect the same; and if the said board of commissioners shall not find any thing in the said instrument so submitted to their inspection, which shall appear to them to be in any way injurious to the safety or tranquillity of the United Kingdom, or to the Protestant establishment in church or state, they shall forthwith report the receipt thereof to the lord lieutenant, lord deputy, or other chief governor or governors in Ireland, and thereupon the said instrument shall be returned to the person by whom the same shall have been so submitted for inspection as aforesaid, with an indorsement signed by the president, signifying that the same had been duly inspected, and reported upon to the lord lieutenant, lord deputy or other chief governor or governors of Ireland, according to the provisions of this act.

Provided always, and be it further enacted, That when any person shall receive from the see of Rome, or from any authority under the same, an instrument which relates wholly and exclusively to the spiritual concerns of an individual or individuals, he shall so certify, within after he has received the same, and shall verify such certificate by the following oath:

"I A. B. do swear, That the instrument "(describing the instrument) which I "hereby acknowledge to have received "from the see of Rome (or from such "other bodies or persons, as the case may "be) under the authority of the see, as "relates wholly to the personal spiritual

"concerns of the party or parties in re-"spect of whom it has been issued, and "to no other matter or thing whatsoever.

"So help me God."

Which oath it shall and may be lawful for such person to take and subscribe before the said board of commissioners (who are hereby empowered to administer the same) or in any of the courts herein before mentioned, or before of his majesty's justices; if the person taking and subscribing the same shall be resident more than miles from Dublin, or shall from ill health or infirmity be unable to travel, and in every such case it shall and may be lawful for the said board of commissioners, in the exercise of their judgment and discretion, to direct the said instrument to be transmitted, sealed up, for the sole inspection and verification of the president of the said board; who shall inspect the same, and if he shall after such inspection certify that the said instrument, is in his conscientious opinion and judgment, of the nature described in the certificate and oath of the person by whom the same shall have been so transmitted as aforesaid, the receipt thereof shall be reported to the lord lieutenant, or lord deputy, or other chief governor or governors of Ireland, and thereupon the said instrument shall be returned, sealed up, to the person by whom the same shall have been so transmitted, after being indorsed by the said president.

And be it further enacted, That any person or persons in Ireland, receiving any such bull, dispensation, or other instrument as aforesaid, who shall so deliver the same, or cause it to be delivered in the original, or who shall so certify the receipt, and so describe and verify by oath the nature of the said instrument by him or them received as aforesaid, and whose certificate and oath shall be so confirmed and allowed as aforesaid, shall be free and exempt from all pains and penalties whatsoever, which he or they would be liable by any laws now existing in Ireland, against the receiving and publishing bulls, dispensations, or other instruments from the see of Rome, or from any authority or pretended authority under the said see.

And be it further enacted, That any person or persons so receiving any such bull, dispensation or other instrument as aforesaid, and not so delivering or causing to be delivered as aforesaid, either the said original instrument, or such certificate of the receipt thereof, accompanied by such oath as hereinbefore prescribed; or who shall publish or put in execution, or be wilfully and knowingly concerned in publishing or putting in execution, any such bull, dispensation, or other instrument as aforesaid, in Ireland, before the same shall have been properly inspected and indorsed as aforesaid, shall be deemed and taken to be guilty of a misdemeanor, and shall suffer such punishment as may by law be imposed upon persons guilty of a misdemeanor, instead of any punishment which such person would be liable to for such offence, by any law or statute now in force in Ireland.

HOUSE OF COMMONS.

Thursday, March 24.

Ill Treatment of Animals Bill.] Mr. *R. Martin* rose, to ask for leave to bring in a bill to amend the act for preventing cruel and improper Treatment of Cattle. As the act now stood, for the most atrocious act of cruelty which a man could commit on any cattle which were placed under his care, the maximum of punishment that could be inflicted was a fine of 5*l.*, and in default of payment, imprisonment for a month or two. He thought every gentleman would acknowledge, that animals ought to be protected, either in their own right, or as the property of the individuals to whom they belonged; and if that principle were admitted, he did not see how it could be disputed, that the punishment for wantonly injuring them ought to be increased. In the present state of the law, if a man intrusted with the care of a horse should knock out its eye from malice to its owner, or, as had recently been done, should tie its tongue to a gate, and then beat it on the head till it tore its tongue out, it was impossible to do more to such a wretch than fine him 5*l.*, or imprison him for a month or so. Now, he proposed to make such an offence a misdemeanor, and to leave the punishment of it to the magistrates at quarter-sessions. He also intended to add a clause to the bill, to authorize magistrates at the quarter-sessions to award to the prosecutors of such offences a reasonable compensation for the trouble and expense which they incurred. As he did not expect that any objection would be made to his bringing in the bill, he should not enter further into a description of its details.

Mr. *Heathcote* opposed the motion. He was averse to extending the punishment already awarded to offences of this nature, and more especially to leaving it within the discretion of the magistrate.

Mr. *F. Palmer* was of opinion, that the hon. member had already proceeded too far with his legislation upon this subject, and he should therefore use every effort to prevent him from proceeding further. Since the hon. member had introduced his first bill for the protection of cattle, not a drover could touch an ox, not a hackney-coachman could whip a horse,

without some ingenious gentleman's coming forward to call him to order. It was only this morning that his hon. friend, the member for Beverley, and himself, had seen an instance of this exaggerated zeal in the cause of humanity. They were going along the street in a hackney-coach, when one of the horses suddenly became restive, and started back, in consequence, he believed, of a waggon coming too closely in contact with it. The hackney-coachman administered three or four blows to the horse to make it spring forward again, but not with any savage violence, nor upon its head or its neck. A gentleman who saw the occurrence immediately came forward, and threatened to carry the man to a polico-office if he did not instantly desist from beating the animal. Now, was such interference to be tolerated? He thought not; and should therefore, with a view of preventing its increase, give every opposition in his power to the present motion.

Mr. *Lockhart* thought the House had done itself great honour in passing the former bill which the hon. member for Galway had introduced upon this subject. By that bill they had consecrated the principle, that animals ought to be protected by legislative interference. In so doing, the House had, in his opinion, gone far enough; and he should therefore advise the hon. member not to press it to go further, nor to weaken the effect of his bill by perpetual legislation. That bill conferred great credit on the hon member, and had already effected a beneficial change in the manners of the people.

Mr. *Warre* would consent to the introduction of the bill, though he would not pledge himself to support its details; with which at present he was utterly unacquainted. It was an argument in favour of it, that the act which it was intended to amend had been generally reprobated as useless before it was placed on the Statute-book, and was now universally admitted to be most beneficial, since the magistrates had begun to put it in operation.

Mr. *C. Wilson* supported the motion.

Mr. Alderman *Thompson* said, that the former bill had done great good, and particularly in Smithfield market. Though he was unwilling to go the length of making the offence a misdemeanor, he would still vote for the introduction of the bill.

Mr. *Maxwell* supported the bill. There was no duty, he conceived, more imperative upon the House than that of affording protection to animals.

Mr. *Martin* said, he could not have believed, that any hon. member would have stood forward, as the hon. member for Reading had done, to defend the barbarities which were practised upon horses and cattle. With regard to the anecdote which the hon. member had related respecting his adventures with the hackney-coachman, he would merely observe that, upon the hon. member's own showing, the hackney-coachman had taken the worst course in the world with his restive horses. The hon. member must be little of an equestrian, if he was not aware, that the most certain way to make a horse a starter was to beat it when it did start. He was sure the hon. member's constituents would not like the hon. member the better, for the sentiments he had that night expressed. He said so, because he knew the hon. member would soon have a petition to present from them in favour of this bill. The hon. member, at the recurrence of another election, might find it difficult to secure his return ["order!"]. He was not out of order. He had one argument in support of his bill, which he thought would secure him the vote of the Attorney and Solicitor General. It was this. The present bill was a transcript of a bill which had been approved, some years ago, by all the law lords, by lord Ellenborough, lord Erskine, and last, though not least, by the present lord chancellor. He did not expect that mention of this last name would at all injure this bill with those gentlemen who were of opinion that "whatever is, is best." The present lord chancellor had approved of this bill, when it was sent down from the Lords to that House. He therefore trusted that the House would allow this bill to be introduced, notwithstanding the invidious sarcasms which had been thrown upon it.

The House divided: Ayes 23. Noes 33. Majority against the motion, 10.

THREATENING LETTERS PUNISHMENT BILL—FELONIES PARDON BILL.] Mr. Secretary *Peel* said, he rose pursuant to notice, to move for leave to bring in two bills, of which, as they both related to alterations in the criminal law, he proposed to explain the objects and details at the same time. By the first, it was proposed to introduce an important alteration in the law respecting the sending

threatening letters, by assimilating the punishment for those letters when they meant to extort money or other valuable things, by charging an attempt to commit a certain offence, with that of charging with the offence itself. As the law stood at present, the sending of a threatening letter charging with the offence itself, was punishable with the loss of life, but the sending such letters charging an attempt to commit the offence, was only a misdemeanor. Now, without entering into any detail upon the subject, it was enough to say that, in a moral point of view, the attempt and the offence were alike infamous; and the danger from a charge of either was to be equally apprehended. Recent instances of a failure of justice in the administration of the law had rendered some alterations requisite; as last summer, a man who was morally guilty, was obliged to be discharged, from a defect in the law to meet his case. The next bill was intended to facilitate the granting free pardons by the Crown. At present, a person receiving pardon was not restored (according to the law phrase) to his "credits and capacities"—or in fact, was not a free subject, unless his pardon had passed the great seal. Now, this was a most expensive process—so expensive, indeed, that it was out of the reach of ordinary persons; and hence, many were deprived of a right to which they were indubitably entitled. By the spirit of the English constitution, every man who had satisfied the justice of the country, by a pardon, ought to be restored to the same situation as he was in before he committed any offence; but by the practice of the law, this restitution to "his credits and capacities" was not complete, unless under the sanction of the great seal. Many instances of injustice must have taken place under this law; for the number of pardons under the great seal bore no proportion whatever to those under the king's hand. By the exclusion from "credits and capacities," the lawyers understood that a man could not be a competent witness in a court of justice—a most serious exclusion, as the House would see. The effect of this bill would be, to give to all pardons under the king's sign manual, when countersigned in the usual way by a secretary of state, all the effect of a pardon under the great seal. It required but little argument to recommend this alteration in the law, as not only the injustice, but the inconvenience of the present practice were notorious. Suppose, for instance, a man was sentenced for some slight shade of felony to an imprisonment of six months, and that, in the mean time, his evidence became of the greatest importance in the prosecution of a capital offender. The man's credit possibly was not impeached by his offence; but he could not be produced as a witness, without the expensive and tedious proceedings of a pardon under the great seal: and possibly he would be wanted under circumstances which did not afford time for going through that process. In such cases, there was a possibility that justice would be altogether evaded. So also with respect to the pardoned convicts of New South Wales. What could be more galling, upon a man returning with the king's pardon to his native country, than to find that, because he was a thousand miles off, and had not had his pardon passed under the great seal, or could not afford to do so, he was still unworthy of credit in a court of justice? The fees upon a pardon under the great seal were very high; and properly so, for so solemn an act. The bill would also go to place persons whose sentences had been commuted in the full enjoyment of all their rights as free citizens. So when a capital convict had fulfilled his commuted terms of seven years transportation, he was to be restored to all his "credits and capacities." No maxim was more just, than that when a man had complied with all the conditions of the law, he was entitled to all the protection of the law. This being the first object, the next was, to supply a singular omission in the present law with respect to clergyable offences. The effect of the privilegium clericale in law, formerly was, that, after a conviction upon certain felonies, persons, not clerks, were restored to their rights, after being branded upon the left thumb; but this infliction upon so odd a part of the person being found inconvenient, the punishment was changed to burning on the fleshy part of the left cheek, as near the nose as possible. More lately, however, the enlightened spirit of civilization had disused these barbarous inflictions altogether, and a slight fine and imprisonment were now accepted, in lieu of the burning in the thumb; but so far as regarded the expiation of the offence, the individual was not restored to his rights, as he would have been by being burnt in the hand. It was therefore important to establish some general principle in punishment, by making

a certain degree of punishment an expiation of a certain offence, and a restitution to all rights, without its being referred to any other punishment of which it was the substitute, but as deriving its sanction from a substantive enactment. By a recent act, the punishment of whipping of females had been abolished, and fine and imprisonment had been awarded in its stead; but still, though these stood in the lieu of branding on the thumb as punishment, yet it did not serve its office as to the restitution of rights: for a woman so punished was not a competent witness in a court of justice. Here was an absurdity in the law which loudly called for amendment. In God's name, when parties had expiated their offence by fulfilling the sentence of the law, why should any exclusion remain against them? It was, therefore, provided by this bill, that wherever a party had undergone the punishment awarded by the court for any offence, he was then restored to all his rights, credits, and capacities, in as full a manner as if no offence had been committed. The third object of the bill was, to remedy a most extraordinary anomaly in the criminal law, as it affected a clergyman. It was scarcely credible, that at this day a clergyman convicted of a clergyable felony, should be dismissed altogether the first time, and encouraged by impunity to commit more. In a note to Blackstone it was stated, "that if a clergyman commit a capital felony, he may be hanged like any other subject—if a larceny or misdemeanor he may be punished; but, if a clergyable felony, he must the first time be dismissed harmless." Now, bound as he was to protect the clergy, he did not feel himself called upon to except them from the consequences attending their misdeeds, more than any other class of men. The present was the fittest time to legislate, when there was no particular case before the House. It was desirable to equalize the law towards all parties. There were many other parts of the criminal law which called for amendment and reform; but let the House make a beginning. The right hon. gentleman concluded by moving for leave to bring in the two bills.

Mr. *Bright* said, he highly approved of the measures which the right hon. gentleman had proposed, and which were urgently called for by the state of the criminal law. He wished to know whether the pardons to the convicts in New South Wales would have a retrospective effect; as much disturbance had arisen a short time ago from a misunderstanding on this head.

Mr. Secretary *Peel* replied, that the cases to which the hon. member alluded had been provided for by a bill which he had brought in last session; so that it was unnecessary to make these pardons retrospective.

Mr. *Bright* next asked, whether the act would extend to cases where pardons had been already imperfectly granted to persons in this country?

Mr. Secretary *Peel* said, that all cases wherein pardon under the sign-manual had been granted, should receive the benefit of this act.

Mr. *Lockhart* thought the right hon. gentleman entitled to the thanks of the country, for the praise-worthy reforms which he was about to introduce into our criminal law. It was certainly most desirable that the quantum of punishment to every given offence should be as definite as possible; but, at the same time, care should be taken, that the granting of pardons was not dispensed so widely as to bestow an impunity to offenders. Considerable difficulty prevailed at present, as to the extent to which pardons from the Crown might be carried; as it appeared, in some cases, that the pardon had been given in plea for all offences committed antecedent to the date of that pardon, though such offences were distinct from that in which the mercy of the sovereign was extended. He advised a delay in the bill until information was obtained, as to the mischief which was likely to arise from that practice.

Mr. Secretary *Peel* said, that a similar suggestion had been made to him by the hon. and learned member for Knaresborough, and he had no objection to put off the discussion until the necessary information could be obtained, with respect to the benefit of clergy. That was an obsolete and complicated system of punishment, and it was his wish to get rid of it altogether. The more simple the law was rendered, and the more defined the punishment of each offence, the better. It was in that spirit that these bills were conceived.

Mr. *Spring Rice* recommended an extension of the principle of these bills to Ireland.

Mr. *Bernal* said, he thought this a fit opportunity of alluding to a disgraceful

practice which prevailed at some of the police offices, of passing the prisoners, many of whom stood charged with common assaults, manacled through the streets from the offices to the prison. This practice, not to say any thing of its injustice, was most unbecoming. In some of the offices, the magistrates, much to their credit, had the prisoners conveyed in hackney coaches, but in others the contrary practice, notwithstanding its obvious indecency, continued to prevail. He wished to know whether the right hon. secretary could not give some relief under such circumstances. It appeared to him, that caravans might be provided for the conveyance of those persons.

Mr. Secretary *Peel* assured the hon. member, that the subject had not escaped his attention. He had considered whether or not a caravan ought not to be procured, for the conveyance of prisoners from the police office to the gaols. But he had ascertained that the keeping up of such a conveyance would be exceedingly expensive; for, from the distance of the offices from each other, it would be necessary to have a caravan for each. As to the indecency of passing prisoners manacled through the streets, he concurred in all that the hon. member had said. In fact, he had sent to inform the different magistrates, that it was his wish that the prisoners should be passed in hackney coaches.

INDIAN ARMY.] Mr. *Hume* rose to make his promised motion for the production of papers relating to certain transactions in India. The subject to which he was about to call the attention of the House, was one of the utmost importance; but, before he entered upon the topic, he would advert to the very slight and indifferent manner, in which Indian affairs were often looked upon in that House. He was himself of opinion, that the authorities of this country were little calculated, at so great a distance, to legislate for the necessities of so vast an empire, and that the administration of Indian affairs was, therefore, very properly left in the hands of the persons appointed by the Crown to reside in that country. It was true, there was a law existing, and a rule laid down, by which the public authorities in India were called upon to report their proceedings to the government at home, and to obey whatever orders they might receive from England. The House must be aware, that all important regulations proposed in relation to the affairs of India, were always submitted by the government of that country to the consideration of the government in England; and such regulations had been often very much altered, modified, or even entirely changed. He was much disposed to think, that if his majesty's government would select for India only such persons as were capable of conducting the affairs of that great nation, the less the interference of this country the better. Excepting in cases of complaint, or very extraordinary occurrence, he believed it would be found, that the less our home authorities interfered with the Indian administration, the better that country would be governed. He, however, feared, that if individuals were sent out to govern that great empire, who were incapable of their duty, or unworthy of their trust, it would be extremely difficult, if not impossible, that the misgovernment could be remedied by the wisdom of any councils at home. He feared that evils must have taken place in India to a very great extent, and such as it behoved the House to pay the most serious and immediate attention to. As long as justice was impartially administered in India—as long as that country was tranquil, and its inhabitants tolerably happy—he should deprecate the interference of that House in the management of Indian affairs; but, whenever it was found, as at the present crisis, that general dissatisfaction was prevalent; that the country was plunged into an extensive war; and that no confidence whatever was reposed in those who swayed the government, it was the imperative duty of the House, to investigate the sources of the evil, and to consider what measures were best calculated to check the progress of disaster, and to re-establish the former prosperity.—The present state of India was such, that it became a question of vital importance what measures the government would pursue; and what part the administration would act, if those to whom the power of interference was delegated should not adopt the proper measures, or meet the crisis with adequate wisdom and vigour. It was with a view to investigate the manner in which this department of government had performed its duty, that he brought the present subject before the House. The war now raging in India was of the most calamitous description, and the possible result

appeared not to have been calculated; but, whatever the result might be, the war itself could be attended with no credit to the actors, and had already inflicted much disgrace upon our arms. He had long wished to bring this subject distinctly and separately before the House; but a more disgraceful mass of information had never been laid upon the table, in explanation of so important a war as that which was now raging in India. He had been anxious to wait, in hopes of being supplied by other channels with the information requisite upon Indian affairs; but the Board of Control had either not the means of laying before the House, or had not thought proper to lay before the House, the information which was expected at their hands. The war had been most improperly begun; but it was absolutely necessary for the safety of our possessions in India, that the war, thus wantonly provoked, should be conducted to a successful issue. It had required nothing but prudence to continue India in the state in which it had been left by the marquis of Hastings; and he had trusted to have seen disseminated throughout that country, the enlightened views and liberal principles which had lately been making such progress throughout Europe. He had trusted, that a liberal policy, and the removal of commercial restrictions, would have enabled English capital to put in force the immense capabilities of that country. He had hoped that India would have been advancing in prosperity; but it had been retrograding. He could scarcely do otherwise than anticipate calamitous results from any change produced in India. That country possessed an army consisting of 150,000 native troops, and of not more than 20,000 or 22,000 European soldiers. It extended from the banks of the Indus to the Burmese frontier, and from the hills of Thibet to the southernmost point of Hindoostan. He was sorry to say, that no man could estimate the population within many millions. A census had been begun twenty years ago, but had not been proceeded in; but if we stated the population of India to be from eighty to ninety millions, it would not be over-rated. Many carried it to one hundred millions. When it was considered, that this vast population consisted of different castes, of different religions, of separate jurisdictions, of separate laws, and of separate interests, it would be seen that it required no common abilities to conduct that country as it had been conducted formerly, and as it ought to be conducted at present. We ought to be most anxious, not only not to create in the breast of European or native even the smallest dissatisfaction at the government, but to inspire every class with the most complete confidence in their rulers. He assured the House, that in any observations which fell from him, he had no wish to cast the slightest imputation upon the personal character of lord Amherst; he blamed, not that noble lord, but the persons who appointed him to his present government. No man acquainted with the affairs of India, could for a moment suppose that lord Amherst, however amiable and estimable his private character, was equal, even in a time of profound peace, to the government of the vast territories which we possessed in that country. How much less, then, was he competent to that government in a time of war, and when our frontiers were surrounded by enemies? What had already occurred was sufficient to bear him out in the assertion, that that noble lord ought not to have been sent out at all. What was the event of lord Amherst's mission to India? Why, it was this—that we were plunged into a dangerous and unnecessary war; a war which, whatever might be its termination, could be productive of no benefit to the interests of the East-India company. But, as this was a part of the subject, the merits of which the House would have a more convenient opportunity of discussing at a future period, he would avoid entering more largely into it at present. The fact, however, was, that we were engaged in war; and, admitting, for the sake of argument, that it was a war justly entered into, let the House inquire, for a moment, how it had been conducted, and they would find, that every act of the government had been precipitate, rash, and unnecessary. He called upon any hon. members in that House, at all acquainted with the affairs of India, to state, from what information they had been able to collect, whether such was not the fact. He called upon them to say, whether it had not been the uniform policy of all governors of India, to avoid as much as possible, engaging the troops in active operations during the rainy season. He did not speak theoretically upon this point; he had been more than once encamped with the army, in the rainy seasons; and it would, perhaps, surprise the House to

hear that, out of a body of 10,000 men, not more than 1,500 were capable of acting with effect. This was not an isolated case. It had been, for a long time, a general rule in India, not to expose the men more than was absolutely necessary at such periods of the year. Lord Amherst must, of course, have possessed full power to act upon this point; and, therefore, when he determined to advance the troops upon Rangoon, at such a period, he adopted a line of conduct which every person connected with India could not help blaming. The consequence of that conduct was, that after the most gallant attempts— attempts which, he trusted, British troops would, under any circumstances, be always found ready to make—our army found it impossible to secure for themselves those quarters and supplies, which their situations required. The position in which they were necessarily placed, brought on a mortality, the extent of which he was afraid to mention, because of the scantiness of information which was allowed to reach this country on the subject. The public press of India was not allowed to give the details; no official information was given to the public; so that gentlemen, in adverting to the question, were obliged to trust to brief and indirect accounts of the facts. He was the more anxious to dwell upon this part of the subject, in order to vindicate himself and his friends from any charge of exaggeration which might be made against them, and to show that the silence maintained by those who had the power of affording information, necessarily drove them to the only other sources of information which were open to them; namely, private letters and communications. According to those private statements it appeared, that a large number of the disposable force called into action had been carried off, or rendered unfit for service. Without entering into details, it was sufficient for him to state, that all accounts concurred in stating, that our army had been placed in a situation of great distress, and that a degree of terror and alarm had been spread through India, such as had never been experienced there before. He had some experience of military affairs in India; and he could assure the House, that in no instance had he known the Bengal troops refuse to march or do their duty, with the exception of a little affair which took place in 1795, and which arose out of circumstances totally different from the present. Whilst he was in India, he found the best dispositions prevailing amongst the native troops; but, from recent accounts, it appeared, that the native army stood upon very ticklish grounds indeed. The affair at Barrackpore was a serious one: he hoped it would be shown that it was necessary: he would give no decided opinion upon it; but this he would say, that the treatment of the native troops who had mutinied, was stated, in the private accounts which reached him, to be much more severe than was necessary. Whatever was the cause of the disturbance at Barrackpore, it was sufficient for his present argument, that it did take place; and he agreed, that, however well grounded the cause of complaint on the part of the mutineers, that such mutiny ought to be at once put down; but, having been put down, it required the skill and ability possessed by the late governor-general, backed by the advice and assistance of a wise and liberal council, to have at once adopted the ulterior measures necessary to be pursued. Would it be believed, that in India, in a country where we might be said to hold our possessions under the natives, the government there should have indiscriminately punished the innocent with the guilty? Was there, he asked, any similar instance on the Company's records? He would now confine himself strictly to what had been admitted on the other side; namely, "that every effort had been made by the officers appointed for that purpose, to induce the native troops to lay down their arms, but without effect; and that then the native officers and non-commissioned officers were called upon their allegiance to separate themselves from the troops, which they instantly did to a man." After this, the mutineers were treated in a manner, the justice of which he doubted. But, to pass that, was there any reason on earth why lord Amherst should, in the public Gazette, state, that it was impossible the Sepoys could have been stirred up to such a mutiny, without the privity and consent of their officers and non-commissioned officers; and therefore that those officers, every man of whom had adhered to the Company's interests with honour and credit, were to be refused re-admission to the service, and treated with the greatest ignominy? He would ask whether such a measure as this was a proof of the talent, the wisdom, or the sound abilities of lord Amherst? It was, indeed, an act without

a parallel. But, it did not stop here, for it was added (after the dismissal of the officers in this ignominious way), that a court of inquiry might be appointed, and if any of the officers were found innocent, they might be re-appointed. Now he maintained, that a governor-general capable of acting in such a manner, was totally unfit to direct the affairs of India; and those who conferred upon him that government would be seriously to blame if they continued him a moment longer in his appointment. He called upon the House to consider the accounts which had been received from Madras, Bengal, and Bombay, and they would find in them no difference with respect to the opinion entertained of the governor-general. On the contrary, it would be found, that the noble lord had lost the confidence of every man in the country, whether in or out of office. Was it possible to continue these great and extensive territories any longer under the government of such men as lord Amherst, and those about him? It was the duty of the House to inquire, whether the right hon. gentleman at the head of the Board of Control had in view any measure calculated to remedy the evil [hear, hear! from Mr. Wynn]. He was glad to hear the cheer of the right hon. gentleman, and he trusted, from the confidence of his manner, that he would be able to defend the course of policy recently pursued in India. He (Mr. H.) acted upon the best information which he was able to collect; but, where the press was silenced, and where the details only crept out indirectly, and in a manner likely to be magnified on the one hand, and curtailed on the other, was it to be wondered at, that hon. members should occasionally act upon misrepresentation? To avoid this, he was anxious to lay before the House and the country the fullest information which could be obtained upon the subject. It appeared, from letters written three weeks before the 1st of November, that complaints were made by the Sepoys, of a want of their usual allowances. The hon. member here went over the complaints of the Sepoys, of having been reduced from double full allowance (which, in his time, they were allowed in marching), by degrees, to such a quantity as was barely necessary for their support. Again, they went on to state, that in order to remove themselves and their families and baggage, it was necessary to afford them a certain number of coolies and carriage cattle. It was not, perhaps, generally known in that House, that for one European in our army in India, there were ten natives of various descriptions attached to it, and that if our troops in that country were compelled to carry their baggage as they did in colder climates, they would be rendered totally unfit for the purposes of warfare. Orders had been sent out, in consequence of which considerable reductions had been made in the attendants upon our officers, soldiers, and so forth, but still additional conveyances were necessary. When the troops were ordered to march from Barrackpore, they asked for their usual allowances, week after week; and it was not until shortly before the unfortunate affair which took place, that the government thought proper to allow them a certain sum of money, when, in fact, money was of no use, as the government were at that time engaging every mode of conveyance which could be obtained. Was it too much that the Sepoys should have requested to be furnished with the usual mode of conveyance for their baggage, &c.? The right hon. gentleman opposite knew so little of India as to be totally unable to form an opinion upon the subject. If he was acquainted with the interior circumstances of the country, he must be aware that no travelling conveyance could be obtained, without the aid of civil authorities—without, in fact, a system of impress. It was formerly the custom in India for officers to send to any particular native authority, and say, they required so many coolies, and so many bullocks, for the public service. This system was found productive of many hardships upon the natives; and it was in consequence decided, that no such requisition should be made by any military officer, where a civil authority could be applied to. Why, then, he asked, were not the civil magistrates applied to in this case, instead of giving the men money, which, under the circumstances, was of no use to them? It showed a want of attention to the habits and feelings of our native troops, which was unworthy of the government of that country, and which was calculated to alienate them from their allegiance to our government. He recollected, that in the Mahratta war, they had more than fifty candidates for any place which became vacant by death, or other circumstances. As to talking about desertion, it was a thing then totally unknown; and if it existed at present, it was

a proof that circumstances had arisen which had changed the feelings, and wishes, and attachments of the natives. According to the accounts which had reached this country, about sixty of the mutineers had been found guilty by a court-martial; and of these eleven had been executed. He would not now enter into the propriety or impropriety of the capital punishment, but would call the attention of the House to the fact, that a great many troops were Brahmins—men who were highly respected, and who always behaved with the greatest courage and gallantry in our service. Our Bengal army was mainly composed of these men; and he appealed to those who best knew that country, for a proof of the high character and courage which those troops had ever evinced in our service. Now, unfortunately, as if in order to heap blunder on blunder, those persons, upon whom capital punishment had not been inflicted, and amongst whom were many Brahmins, were put upon the roads, in chains, to work; a circumstance which had a greater effect upon the minds of our native troops generally, than any other measure that could have been adopted by the government. It was not his wish to overstate the facts which had come to his knowledge from private sources. He was only anxious to be relieved from the necessity of referring to them at all, by having laid before the House the best and most authentic information. He wished to have laid upon the table, the military despatch of the marquis of Hastings, in answer to the orders sent out on the subject of the re-organization of the Bengal army, and directing other reductions in various ways. The instructions sent out to the noble marquis, he felt that he could not, with due attention to the interests of the natives, as well as to the interests of the Company, carry into execution. He had even laid his instructions before the council, and appointed a committee of inquiry into the various branches upon which a reduction was pointed out. That committee made their report, and upon that report, the document for which he now moved, had been drawn up and addressed to the secret department in this country. This report he was now anxious to see, and also the answer which had been returned by the Company to the noble marquis. If the recent government of India had been conducted with reference to the original document sent out with the late governor, then it would be easy to account for the discontent and disquiet of our army. He imputed blame no where: he only called for these documents, in order to see where the blame ought to attach; for, either the noble lord at present at the head of affairs in India went out for the express purpose of carrying the Company's directions to the late governor-general into execution, or else he has given a lamentable proof of his inadequacy to hold his present appointment. A governor-general ought to be guided by circumstances; and it required talents, abilities, and firmness, to act with promptitude as circumstances might arise. He said again, that every act of lord Amherst's government was begun and continued in indecision; and that such a course of policy, if persevered in, must be productive of consequences which he trembled to contemplate. He had originally intended to move also for an account of the mutiny at Barrackpore; but, understanding that no definitive accounts had been received on the subject, he conceived that the motion was premature. No such objection, however, existed with respect to the present document; and therefore he was anxious that it should at once be laid before the House, as it would enable them to see how far its instructions had been carried into effect; and then they would be able to draw their fair and just conclusion. If it were urged, that the production of that document would be attended with danger, his answer would be, that there was no danger equal to that with which our possessions in India were now threatened, and that that danger was likely to be augmented by keeping the people of England in ignorance of the real state of that country. The hon. member concluded by moving, "That there be laid before this House, a copy of the military despatch of the marquis of Hastings in 1819, to the secret department of the Court of Directors, on the organization and allowances of the Bengal army; and a copy of the despatch of the Court of Directors to the government in India, in 1823, on that subject; together with a copy of the despatches from India, stating how far their orders have been carried into effect."

Mr. *Wynn* said, that before he animadverted on the speech of the hon. member, he wished to express his entire concurrence in one observation which he had made, and that was, that in the administration of the government of a country so remote,

and containing a population of so many millions, much ought to be left to the direction of the governor. Indeed, when it was taken into consideration, that five or six months must elapse before any advices sent from this country could reach the seat of government abroad, that man must be mad who would not allow some discretion to the governor. But, while he admitted this, he could not help expressing his surprise, that the hon. member did not perceive that that officer was, upon the same grounds, entitled to the confidence of the Company, until he was afforded a fair opportunity of explaining his conduct, and laying before them his own statement of the case. What was the situation of affairs at present? For himself, he felt that it would be unjust to all parties to give any information, until he was in a situation to make such a full and complete statement of facts, as would at once remove those exaggerated, and, in many instances, garbled accounts, which had been received from private quarters. The document now moved for by the hon. member had not the slightest, the most distant, reference to the mutiny of the troops; and he might as well, with reference to that transaction, move for the production of any military order which had been sent out to India within the last five years; for, neither the letter nor the answer to it contained the slightest allusion to the allowances to be granted to the Sepoys or native officers; both applied merely to the re-organization of the native army, including certain allowances to the European officers, some of which were increased and some diminished. The right hon. gentleman went on to state, that some complaints had been made with respect to the length of time that elapsed before officers reached the highest ranks in the army, and he hoped that the difficulties upon that head would, in a great degree, be removed. With respect to the mutiny at Barrackpore, it had, according to the hon. gentleman, arisen from the circumstances of the troops having been deprived of their usual comforts. He could assure the House, that the troops had suffered no such privation. There certainly were some complaints, that in consequence of the demand by government for conveyances for the army of Rangoon, the troops of the regiment which afterwards mutinied, were unable to procure any mode of conveyance for their baggage and families; upon inquiry, the complaint was discovered to be well founded, and a certain sum of money was distributed to each company. The hon. member had stated, that the money was of no use, inasmuch as no conveyance could be procured for it; but he either forgot to state, or was ignorant of, a particular fact, with which he would supply him. — Here the right hon. gentleman read an extract from a communication from the governor-general, in which it was stated, that ten bullocks per company had been provided for that regiment; and sir Edward Paget, in his communication, stated, that the carriage-cattle had been provided, and were actually within the lines at that time. So that this ground of discontent, the only one which had been alleged, was completely removed.— Then, again, with respect to the attack upon the troops, he would ask, whether any other course could have been resorted to consistently with the discipline of the army? It was urged, that 180 men had been killed, while, as if to show the fallacy of these communications, some persons mounted the number up to four or five hundred. God forbid that he should make light of the lives of 180 persons; but, when an officer was commanded upon this painful duty, he would ask, how he could possibly decide upon the precise moment when the attack was to cease? Again, it was urged, that eleven men had been hanged, pursuant to the sentence of a court-martial. Admitting that fact, how, he asked, had they the means of impugning the decision of that court-martial? He confessed that, even if he had the whole of the documents and the evidence laid before that tribunal, he for one should pause, before he offered the slightest opinion in contradiction of the decision to which they had come. As to the punishments inflicted on our native troops generally, he thought it would be more advisable to assimilate them to those in use amongst our own troops. He differed from the hon. member, with respect to the origin of the present war. He believed that lord Amherst was forced into the war with the Burmese, and that it was impossible for him to overlook the conduct of that nation, without lowering the dignity of the British character. The hon. gentleman had said, that he should not now enter into any discussion with respect to the demerits of lord Amherst's conduct; but, whenever he did, he should be ready to meet him, as far as he had the

means. The hon. gentleman had thought fit to indulge in the expression of an opinion with respect to lord Amherst's incompetency; but he begged leave to doubt, whether the hon. gentleman had had sufficient opportunity of determining that question, or estimating the noble lord's conduct. He had said, that the country was in a state of profound peace when lord Amherst went out, and that the noble lord was not capable of conducting the government in a state of peace; but he should say, that lord Amherst, from his turn of mind, and from his discretion, was the person of all others calculated to maintain the tranquillity then existing. The hon. member had argued, that the war was ill-timed. But, the question was, whether the Indian government were allowed an opportunity to select their time. If a provocation were offered, the government must of course proceed to war; and, in this instance, when war was determined upon, it was admitted, that it could not be prosecuted with so much advantage as at Rangoon. Lord Amherst proceeded on the best opinions that could be collected; and, having done so, it was rather hard that so much censure should be cast upon him. Lord Amherst was particularly guided by the authority of a brave and meritorious officer, major Campbell; who had since fallen a victim to the insalubrity of the climate. That officer had been four times up to Ava, and his opinion was, that by capturing Rangoon, and preventing the enemy from deriving any resources from that quarter, he would inevitably be reduced to come to terms. The object or the justice, of this war had never been called in question; and, when the necessity for hostilities was proved to exist, that, he thought would be but an indifferent sort of policy which could induce a government to resort to half measures. He, of course, admitted that it would be better if war could be avoided. This country had already dominions enough in India—more indeed, than could well be managed. But in his opinion lord Amherst was compelled to enter into this war; and he could not overlook the aggravating conduct of the Burmese government, without lowering and degrading the British character. On this point he should say nothing more, as the hon. member had stated that he would introduce the subject in a more formal and tangible shape; but, when it was so brought before the House, he should be ready to meet all the arguments which the hon. member might advance on the question. With respect to the abilities of lord Amherst, he thought the hon. member had expressed too decided an opinion. When he was sent out, the Company's territories were in a state of profound peace. It was hoped that that state of peace might have been preserved; and lord Amherst appeared, from his feelings and his character, the most likely person that could be selected, for the purpose of ensuring the continuance of tranquillity. It was quite fallacious to suppose that no danger was ever apprehended from the Burmese. Lord Minto had himself stated his conviction, that if the Nepaul war terminated unsuccessfully, the Burmese would appear in arms against us. It was very true that during the administration of the marquis of Hastings, a war with the Burmese government had been prevented. But, how was it got rid of? Why, by sending back the letter of the Burmese monarch, and declaring that our government conceived it to be a forgery. Such a plan might succeed once, but, certainly it would not be efficient a second time. [Mr. Hume here asked, "What did the right hon. gentleman say to the destitution of the native officers of the 47th regiment?"] The opinion of every person with whom he had conversed on the subject was, that it was quite impossible the mutiny could have been carried on without the knowledge of the native officers, if they had performed their duty. They had, therefore, brought this destitution on themselves. If he stated his own opinion on the subject (founded, as it undoubtedly was, on very slight materials), he should say, that the native officers had been guilty of very great neglect, and that they deserved the punishment of destitution. It appeared to him to be equally necessary for the interest of the public service, that they should be dismissed, under the peculiar circumstances of the case, as it would have been, had they taken an active part in the mutiny. The hon. member had adduced many reasons for the alleged unpopularity of lord Amherst; but he had omitted one which he begged leave to notice. He really believed, that the circumstance of lord Amherst having placed the lady of a commodore above the ladies of the senior merchants, on the table of precedence, had excited more hatred, jealousy, and ill-feeling, against lord Amherst, than any

other of his acts since he became governor-general.

Mr. *Robertson* viewed this as a most serious question, and one on which the fullest information ought to be afforded. The present contest in India ought to be viewed, not merely with reference to the Burmese, but with reference to the contiguity of the Burman empire with the empire of China, which contained a population of 150 millions. He protested most strongly, against our waging any war in India, unless we were actually forced into it. It appeared to him, that the course adopted to put down the late mutiny had placed the life of every European in India completely in jeopardy. That the native troops were bold and resolute, could at once be proved by the well-known fact that three companies of them had put to the rout 11,000 of the Burmese troops. So formidable a body of men ought not to be treated with severity. He hoped that such information would be laid before parliament, as would enable gentlemen to understand correctly the present state of India.

Colonel *Davies* lamented the conduct pursued towards the troops who had mutinied. The unfortunate people would he was sure, have laid down their arms, if properly spoken to; but when they had no expectation of it, artillery which had been designedly brought to bear on them was discharged. The very idea of such cruelty was sufficient to make a man's blood boil in his veins. He had, himself, no means of personal observation; but he had spoken to many officers of experience in India, and heard from them that there did not breathe braver troops than the Sepoys. They were, if required, ready to brave any danger—to go even to the cannon's mouth; but, by the subsequent proceedings, what were they? The officers were branded with disaffection—they were characterised as unworthy of confidence, and dismissed with disgrace. Such conduct made him blush for the British name. From these things we were well able to judge what lord Amherst was capable of doing on other matters. He did not know whether his hon. friend meant to persevere in his motion to a division. If he did he should certainly support him; and he hoped that his hon. friend, whether successful or not, would follow up the motion of that night, until the whole of these most extraordinary proceedings were thoroughly made known.

Mr. *Fremantle* owned he was astonished at some of the observations which had been made by the gallant officer who had just sat down. Considering the profession of that gallant colonel—considering his character and his experience—he should have thought it impossible for him, as a military man, not to have perceived the absolute necessity which existed, of putting down the mutiny at Barackpore by the most prompt and decisive measures. And when that gallant officer spoke of no remonstrance having been made with the men, and no warning having been given them, he could not restrain his astonishment; because it was well known that at that very moment a military inquiry was going on, and that it was not even attempted to put down the mutinous spirit which had broken out by having recourse to force, until every thing had been done to prevent those misguided men from going on and bringing ruin upon themselves. The gallant officer had, indeed, stated one thing which was most true. He had said, that there was no army more able, none more sincerely attached to their commanding officers, none more faithfully brave in the encountering of the enemy, than the native troops of India. This truth had been established for these fifty years past, by actions the most glorious, not only to the admiration of India, and all Europe, but to every one who considered or felt for the interests of England throughout that extensive empire. This mutiny, however, he would say, was one that required to be immediately suppressed—a mutiny, founded upon what? Why, upon an order for marching against the enemy. He was really astonished to hear the gallant officer state that the severity used towards men guilty of such insubordination on such a ground, was too much. He would affirm, that the severity was not too great; nor did he, indeed, conceive any severity at all to have been exercised, inasmuch as that every effort had been previously made to induce those men to put down their arms. It had been objected, that this mutiny was but partial, and did not, therefore, demand such decisive measures for its suppression. But, the danger was not merely that which arose from the insubordination of that particular regiment: it consisted in this, that so long as this mutinous spirit was allowed to exist, there was ground for apprehending its spreading throughout every regiment on that expedition. The

men were told, that if they did not put down their arms, immediate efforts would be taken to compel them; it could not therefore be said, that the artillery was brought upon them insidiously and without warning. If the hon. mover had opened this debate with a spirit of fairness, and with a view only to inquiry, he (Mr. F.) should have felt disposed to have entered further into the subject than he had done; but, as the hon. member had made it a medium of hostility and attack upon the characters of honorable individuals, of whose conduct we had no authentic information, he should decline doing so. The House of Commons was not in a situation to sit in judgment upon the conduct of lord Amherst, or of any other of the authorities in India; he should, therefore, only apply himself to one more point which had been alluded to by the hon. member for Aberdeen. He would distinctly state to the hon. gentleman, that no diminution of allowance, no deprivation of any advantage or profit enjoyed by the native army of India, was directed in that despatch. The whole object of that despatch was directed to the state of the European officers of the native army, and had reference only to certain arrangements which were proposed regarding them. The letter which the hon. gentleman had moved for, bearing date 1820, from the marquis of Hastings, was a letter of the most important and confidential description, containing the noble lord's opinion of the state of the army in India, as in reference to its European officers, to their pay, their allowances, their general organization, and the system of their promotion. On all these points, the noble lord had given his general view. It must be obvious to the House, that such a letter, addressed as it was to the Secret Committee of Correspondence, was not a fit letter to be produced to the public, either in justice to the government or to the noble marquis himself. But, he would tell the hon. gentleman, that every suggestion contained in this letter had been deeply and anxiously considered by the authorities at home, with that attention and regard which was due to the subject, to the opinions of such high and distinguished authority as the noble marquis, and beyond that, with every feeling of kindness and liberality to the European officers of the native army. The principle which the noble marquis had laid down, formed the ground work of the decision of the East India Company, namely, to equalize, as far as possible, the pay, the allowances, and the situation of the European officers belonging to the three presidencies, and, moreover, to give that spur to promotion, which had been wanting since the termination of the war. It could not be imagined, for one moment, that any arrangement embracing such a variety of intents, and comprehending the whole of the officers of an army amounting to upwards of 250,000 men, could be carried into effect, without affecting, in some instances, the personal claims and interests of individuals; but he had to assure the hon. gentleman, that notwithstanding a period had expired since the arrival of the despatch in India, sufficient to enable the government there to judge of the whole tenor of the arrangement proposed, no remonstrance had been received, and no objection urged by those authorities, against it. The propositions which regulated the allowances and pay, had not been issued in public orders; as appeared by their omission in the Calcutta gazette; it could not, therefore, be from this despatch (which was the answer to lord Hastings's letter), that any feeling of discontent could have arisen among the native troops—Mr. Fremantle further stated that, with regard to the abridgment or abolition of allowances, in no case was it proposed by the East India Company, to execute their orders on officers now enjoying them. The whole measure of reduction was either prospective, or a full compensation granted for the allowances withdrawn in instances where an equivalent was not afforded by a promotion of rank in the service. The hon. mover of this proposition had referred to the Batta allowances; on which, undoubtedly, much of the profit and advantage to the European officers of the Indian army depended, and more particularly in the presidency of Bengal. Here the officers had an allowance at all times of full Batta.—The object of the government was, to raise the Madras and Bombay allowances by certain arrangements, and to limit the Batta allowances to certain districts of Bengal, so as to approach to an equalization in the whole army, but in proposing this measure the government had fully weighed the subject in all its bearings, and had determined that their orders should not be carried into execution at the present time. They suggested the propriety of adopting it whenever the reliefs took place in the cantonments intended

to be reduced. This arrangement was made by the East-India Company, for the purpose of avoiding all complaint by the immediate reduction of Batta allowance to officers then enjoying them, and with a view also, of giving to the supreme government in India a full and ample time for considering the expediency of the measure, and of furnishing to the authorities at home their opinion upon it. The period for the reliefs was calculated at a term of three years, which afforded ample time for further communication with England. It did not appear that this part of the arrangement had been yet notified to the army of Bengal; and therefore the hon. mover could not ground any feeling of discontent of the Indian army on this part of the answer to lord Hastings's letter.—In justice to the East-India Company, he was bound to state that, with a view of carrying the principle of equalizing the situation of the European officers of the native a my into effect, they had increased their expenses, in this branch of the government, in a sum exceeding 200,000*l.* per annum [hear, hear].—With regard to the proceedings of lord Amherst, which had been very unnecessarily introduced into this debate, he did not think himself now called upon to say one word. He was, however, fully sensible to all the calumnies and unfounded reports which had been industriously spread abroad to injure and defame that noble lord's character; but his right hon. friend had pledged himself to enter fully into that subject, whenever the hon. mover of the proposition was disposed to discuss it. He (Mr. F.) repeated the same declaration, and even with the limited and partial information which had reached the country, he should be greatly disappointed if it were not found, that lord Amherst so far from deserving those censures and that condemnation which had been passed upon his conduct, had acted with a judgment and a firmness throughout the whole of his arduous and difficult administration, that would ultimately lead to a firmer bond of peace, and to a more permanent state of tranquillity throughout the vast empire over which he presided.

Colonel *Baillie* said, that gentlemen ought not to indulge in anticipations of the final ill-success of a war, because it had commenced unfavourably. In the beginning of the Nepaul war our arms were not successful. One part of the army, commanded by a most excellent and gallant officer, had suffered a reverse; but yet that war was conducted to a successful termination. He agreed entirely in the eulogium which had been pronounced on the Indian army. It was as loyal and gallant an army as any in the world. But amongst that body, as amongst all others, disaffection would sometimes appear. He recollected, that 30 years ago a mutiny broke out amongst a regiment of those troops, who expressed a determination not to embark on service. They were commanded by one of the most gallant and humane officers in our service. He, however, found it necessary to have recourse to force; and that mutiny was put down in a manner fully as calamitous, and as much to be deplored, as that which the hon. member for Aberdeen had described. The regiment in question was degraded from its station. The 15th regiment was for ever excluded from the list of the company's force. Some of the mutineers were brought to a court-martial. A part of them were capitally punished; and many others were punished in degree, according to the extent of their guilt. Some of them, on expressing their contrition, were admitted into the service again; and the same result might, perhaps, occur in this instance. From a knowledge of the Indian army during 30 years, he came to this conclusion, that a mutiny could not be brought to a head in that army without the knowledge of the native officers [hear]; and therefore he looked upon the officers, in this instance, to have been conniving, at least to a certain extent, at the conduct of those who were placed under them [hear]. By such a proceeding they were unquestionably subjected to the punishment which had been inflicted on them. The native officers were connected with the Sepoys, in many instances, by the nearest degrees of blood. Many of the non-commissioned officers and privates were the children of men who have served 30 or 40 years in the Indian army; and it was impossible to conceive that a mutiny could be in progress under such circumstances as these, without the senior native officers knowing something of the matter. The hon. member for Aberdeen certainly laboured under a considerable mistake, when he asserted, that a great proportion of the native troops were Brahmins. The fact was, that the number of Brahmins amongst the native troops was very small. They

consisted of Rajpoots, and men of other high castes, but there were very few Brahmins among them. The information which had reached this country, as to the number of men who had been cut off, was not to be depended on. It was exceedingly contradictory. He had seen three or four letters from India, in one of which the number of men killed in the suppression of the mutiny was stated to be 580, in another 470, in a third, 360; and in a fourth, 130. As to the character of the governor-general, he thought they ought to know something more about it before gentlemen proceeded to stigmatize it. They ought not to stigmatize his conduct at a moment when it was impossible to judge of the wisdom and necessity of the measures he had adopted.

Sir *C. Forbes* said, that, in spite of any observations which might be made by gentlemen in office, he would speak his sentiments, as to the course of policy pursued by lord Amherst, with the utmost freedom. With respect to any prejudice which might have been raised against lord Amherst, on account of the alteration he had made in the table of precedence, he certainly did not participate in it. On the contrary, he gave him the highest credit for his conduct on that occasion; and he also gave credit to the president of the Board of Control, who, he believed, had supported the alteration proposed by lord Amherst, which gave a certain degree of precedence to the lady of commodore Hayes. With respect to the suppression of the mutiny, he considered it one of the most barbarous murders that had ever been perpetrated. How had the mutiny originated? The troops were ordered, at a day's notice, to march from Putra to Barackpore (a distance of 1,000 miles) to join the British army. He knew this from a letter which he had received, and which was written, not after the mutiny, but before it broke out. This march was ordered in the monsoon season—a very unhealthy period of the year. On ordinary occasions, these troops, when changing their cantonments, were allowed coolies, bullocks, &c., to carry their luggage; but, on this occasion, that was not the case. They were ordered to fall into the ranks with their arms and accoutrements: their knapsacks, in particular, were directed to be fastened on. They declined this. They said "We are not coolies; we will not degrade ourselves by carrying our cooking utensils on our backs." It was this circumstance which gave rise to the ill-feeling amongst the troops, which at last broke out into open mutiny. If the public press in India had been at all free, this event would not have happened. He did not contend for the unlimited freedom of the press in India. He was not prepared to say that the complete and unrestricted freedom of the press there, would, under existing circumstances, be proper. But he certainly did wish, that the press of India was far removed from its present state, which was one of the most slavish degradation. It was the defender of tyranny and oppression, instead of being, as it was in this country, the detector of abuses. It was here the birth-right of British subjects; but, in India, all and every part of that birth-right was withheld. How, then, could they receive information from India? They must either take such intelligence as the government chose to afford them, or that which they received through the medium of private correspondence. He had received a letter from a lady on the subject of the present state of India, part of which he would read to the House. He saw the chairman of the Court of Directors smiling at this statement, but he would, nevertheless, read an extract from that letter. His hon. friend (Mr. Hume) had, it appeared, received letters from civil, military, medical, and commercial characters, on this subject: but, he repeated, that the letter he was about to read, and it was a very sensible one, was the production of a female. It was not from the lady of commodore Hayes, nor from the wife of any civil officer; but it was from the lady of a gallant officer, who was with the army at Rangoon at the time it was written. It was dated the 18th of November, and had been received by the very latest arrivals. The writer said—"lord Amherst must have enough on his mind at this moment. Certainly it is a most nervous and critical time for every one of us. The public prints will have told you of the mutiny at Barackpore before you receive this." Unfortunately the public prints of India did not tell the whole of the business. If the public prints were suffered to notice passing events there, government would not have been surprised by this mutiny at Barackpore. The writer went on to say —"the 47th regiment has been struck off the army-list in consequence. The artillery and two European regiments were

brought out against the mutineers; and it is hoped that sir E. Paget's decided conduct will have a good effect. Yet the feeling of discontent is apprehended to have spread widely through the native troops; and there is no knowing whether it may not show itself somewhere else, where there are no European troops to put it down." The letter went on to complain of that economy, as very ill-judged, which had curtailed the native troops of their accustomed allowances. He perfectly concurred with the gallant officer opposite, that the unfortunate mutineers ought never to have been pursued after they had taken to flight. The bringing the artillery upon them, dreadful as it seemed, might be necessary; but the pursuit was a cruel and needless piece of butchery, and one which would never have occurred, had such men as sir Lionel Smith, or sir John Malcolm been in command. After the British troops should have been marched against the Burmese, he feared that those left behind might take advantage of their absence. As well as he could judge, India, at no former period, had been in so perilous a situation. And was the man who had brought it to that state, likely to be the best man to bring it out of it. He called upon government and the directors to send out some governor-general who possessed the confidence of the public in England, and would acquire it in India. Lord Amherst enjoyed it in neither country: opinions were unanimous as to his character and qualifications. Would any hon. member rise and contradict him, and say, that they had reliance upon the measures of lord Amherst? If not, he should infer from their silence that they assented to what he advanced regarding his lordship. Such was the rapacity of the government in India, that the more territory they obtained, the more greedy were they for fresh acquisitions. The loss in Europeans and in natives at Rangoon had been immense; and, under all the circumstances, he considered the whole government of lord Amherst imbecile, and that those who sent him to India were as little his friends as those who kept him there. No greater service could be done to the Indian empire than to recall him without delay.

Sir *J. Sebright* protested strongly against the course pursued by the hon. baronet, who had read with so much emphasis a letter from a lady. No doubt he wished to make his speech as interesting by this course, as the memoirs of some persons who introduced into them the expressions of female correspondence. He appealed to the House whether it was fit that the character of the Governor-general should be called in question on the authority of any lady. When the question of lord Amherst's conduct was brought fairly before them, on the authority of official papers, he would enter fairly into the consideration; and if he thought that the noble lord was to blame, he would, notwithstanding his friendship, be as ready as any man to do justice to the public. The hon. gentleman had challenged any private friend of lord Amherst's to stand up and contradict the statement he had made. He was that friend, and he could not but regret that the House should have been induced to listen to an attack from any quarter, however respectable, unsupported by proper documents, and founded only on the communication of a private letter from a lady.

Sir *C. Forbes* denied, that he founded his opinions on that private letter. He had received scores of letters, all in the same tone; and was of the same opinion long before he had seen the letter to which he had referred.

The *Chancellor of the Exchequer* reminded the House that they had been now for two hours listening to speeches on the whole state of India, and containing the most pointed and extraordinary assertions he had ever heard made against any set of people engaged in the service of the public. It was not lord Amherst alone that was attacked; the commander-in-chief had been attacked also. But, what had the conduct of lord Amherst and sir Edward Paget to do with the question before the House? The motion was, to produce a military despatch—not of sir Edward Paget—not of the year 1824; but actually, a military despatch of the marquis of Hastings in the year 1819. He perceived the mode in which, with some ingenuity, but with very little fairness, the hon. member thought he had connected his attack upon lord Amherst with this despatch. It was a document which referred to the allowances of the Bengal army at that date. But the hon. member had forgotten, or perhaps was not aware that in fact, the paper did not bring his observations within the record; for it concerned the pay and allowances of only the European officers. He thinks that, when gentlemen came forward to

impugn the conduct of such men as lord Amherst, and reproach the government for hesitating a moment as to his recall, it was a little surprising that they had not courage to come forward with a direct motion, instead of throwing out charges against gentlemen, in a way which precluded the possibility of their being answered. For how could lord Amherst or sir Edward Paget defend themselves against attacks such as those now so liberally made upon them? For his own part, he knew lord Amherst personally; but he would not, on such an occasion, utter one word in his defence. He did not think the course now taken ought to be answered. He did not think that it would be justice to lord Amherst or to sir Edward Paget to attempt to answer it. Let the hon. member come forward directly with a motion, calling on the House for censure, and both the individuals whom he attacked would find abundance of defenders, and of able ones; but, unless he could connect his recent observations with the despatch of the marquis of Hastings in 1819—and he defied him to do it—the hon. mover had treated lord Amherst most unfairly.

Mr. *Bright* by no means agreed with the right hon. gentleman in his view of the subject, and strongly objected to much of the conduct which had been pursued during the late mutiny. The general order which had been issued subsequent to that event was a reflection upon the whole body of the native officers of India, and a most unjust one. The course which had been adopted with reference to the officers of the regiment which had mutinied, was still more ill-judged, for they seemed entirely to have done their duty on the occasion. The whole appearance of things in that quarter of the world was most alarming; and he trusted the House would examine into the causes of the discontent, and not rest satisfied with such answers as had been received that night. When lord Amherst went to India, all was at peace. It was now in a state of disturbance and danger; and that, as he conceived, furnished a sufficient reason for agreeing to the motion.

Mr. *Astell* said, that the papers connected with the Burmese war were now on the table. As for the question of the mutiny, he should not enter into it now. It was enough for him to say, that the committee of inquiry was still sitting, and to call upon the House to suspend its judgment until that committee should have made its report. With respect to the army, he could say, that the whole object of the Court of Directors with respect to it, had been to attend to their comforts and ameliorate the condition of the native troops. No case had been made out to justify the production of the papers moved for; but it was evident that there might be many reasons which would render it imprudent to make disclosures for the present; and for these grounds he should feel it his duty to vote against the motion.

Mr. *F. Palmer* said, he had not heard a single syllable to prevent him from voting for the motion. He was satisfied that there was as general a discontent in the army of India against the government at home, as ever made its appearance in any army. He believed that the comforts alluded to by the hon. director, were withdrawn from the army by the paltry and miserable economy of the directors; that the army was not in a state to take the field; and that young and raw cadets were sent to take command, without understanding a military movement, or a word of the language.

Mr. *Wigram* opposed the motion, and vindicated the conduct of the East-India Directors towards the army.

Mr. *Trant* observed, that the state of the army was not worse than it had been some years ago, and believed that the regulations intended for its advantage had been carried into effect.

Mr. *Warre* expressed his surprise at the charge which was thrown out against the hon. mover, and the hon. baronet, for sliding into discussions upon the state of India, with which the papers moved for were intimately connected. Nothing could be more consistent with parliamentary usage than to introduce matter, though not strictly and technically before the House, provided such matter had an obvious, though a general, connexion with the subject. So far was he from feeling that there was any unfairness in the motion, that his only surprise was, that so many weeks should have been permitted to pass over without bringing the question before the House. When the Sepoys were disaffected—when the British troops were repulsed, and the regiments returned skeletons from the seat of war—it was time to feel alarm and adopt inquiry; and upon that ground he should support the motion.

The *Chancellor of the Exchequer* said, he

had never found fault with any member for discussing the general politics of India on this motion. What he complained of was, that this motion was used as a peg on which to hang a series of charges against lord Amherst, who was not here to defend himself against them.

Mr. *Hume*, in reply, said, that the right hon. the chancellor of the Exchequer could not have understood his speech, or not have heard it: he must have been asleep while he (Mr. Hume) was making his statement, for he could not have so far departed from his usual candour, as to have taken it up in the manner he had done, if he had attended to him. He would defy the right hon. gentleman, or any friend of lord Amherst, to produce a single letter in which the conduct of that noble lord was approved of. As to the conduct of the Sepoys, he was confident that it arose from an improper interference with their prejudices. An hon. baronet had said, that the House ought to be in the possession of official papers before they condemned. It was for official papers that he was now asking, and yet government had refused to produce them. It was said, that the changes with respect to the army were not to take place for three years; but, were not the rumours of such changes likely to have an effect at present? They were already in possession of a few meagre details, and why were they refused a full disclosure, if there was no reluctance on the part of government to meet the question? He held in his hand a gazette, printed under the authority of the government of India, out of which he could condemn them upon their own shewing. He had also a circular addressed to the editors of newspapers, desiring them, in the name of the government, not to notice the conduct of the forty-seventh regiment.—He was sorry that his hon. friend, (Mr. Trant) had not expressed in the House the opinion which he had delivered elsewhere, on the total want of confidence in lord Amherst's government, which pervaded not only the Bengal community, but every department of India. He had done his duty in bringing the question before the House, and he had heard no valid reason for opposing it.

The House divided: For the Motion 15; Against it 58.

List of the Minority.

Davies, col.	Forbes, sir C.
Evans, W.	Gurney, H.
Leycester, R.	Tulk, J. A.
Martin, J.	Warre, J. A.
Maxwell, J.	Wharton, J.
Monck, J. B.	Wood, ald.
Palmer, C. F.	TELLERS.
Robertson, A.	Bright, H.
Russell, lord	Hume, J.

HOUSE OF LORDS.

Friday, March 25.

EQUITABLE LOAN BILL—JOINT-STOCK COMPANIES.] The Earl of *Lauderdale* presented sundry petitions against the Equitable-Loan Bill. After which, the noble lord said, that when the noble lord who was to move the second reading of the bill, should do so, he should move their lordships that these petitioners be heard by counsel at their lordships' bar, against the principle of the bill; and he thought he should then be able to make out such a case, that their lordships could not refuse to grant the prayer of the petition. He would not then enter into any observations on the fury for Joint-Stock Companies which has taken possession of the people. But, in dealing with the present bill, their lordships would have to consider, not only this measure but in what way they should stem the torrent for speculation, which bid fair to do more mischief in this time of peace than he ever recollected. He would ask their lordships to consider, what might be the consequence to the country, and to the persons involved in those speculations, if a war were to break out? There were at present placed at the command of the directors and other managers of Joint-Stock Companies, more than 200,000,000*l.*; one-fourth of which, he believed, was more than the minister had raised by loan, at once, during any year of the late war.

The Earl of *Liverpool* wished to take that opportunity of saying a few words on the subject which had just been alluded to, not, however, with reference to this particular bill, or any measure of the kind. In a country like this, where extensive commercial interests were constantly at work, a great degree of speculation was unavoidable, and, if kept within certain limits, this spirit of speculation was attended with much advantage to the country. In a moment like the present, in a time of profound peace, and when the interest of money was low, it was to be expected that speculation would exist in a very considerable degree. To this he had no objection; but he wished that the

public should be set to rights as to the situation in which they stood. He never knew a moment when there was a greater prospect of lasting peace than the present; but still, no man could answer for events. No man could say how long that peace might last. Now, he would ask any man to reflect what would be the situation of the public, if (not to speak of actual war) any thing short of war—any embarrassing event, were to occur? Their lordships would recollect that, when commercial embarrassments occurred during the late war, bankers and merchants came forward and applied to parliament for aid, which they obtained by issues of Exchequer bills. He wished it, however, to be clearly understood, that those persons who now engaged in Joint-Stock Companies, or other enterprises, entered on those speculations at their peril and risk. He thought it his duty to declare, that he never would advise the introduction of any bill for their relief; on the contrary, if such a measure were proposed, he would oppose it, and he hoped that parliament would resist any measure of the kind. He thought that this determination could not be too well understood at the present moment, nor made too publicly known. He had felt himself particularly called on to make this declaration, because he understood that the speculations were not confined to this metropolis, where people might have a better opportunity of judging for themselves, but that endeavours were making, by means of country bankers, to engage persons in the country to embark in speculation, the object of which they could not know. He would be one of the last men ever to interfere, by legislative provisions, with the property of individuals, or to endeavour, by any means, to prevent men from spending their own money as they pleased. But as the consequences of the present extensive speculations might be so serious, he had thought, filling the situation which he did, that he should not discharge his duty, if he did not give that warning, and say, that he should be found, in common with their lordships, determined not to give relief, or listen to any claims made on account of distress, arising from such sort of speculations. In stating his opinion, it was in reference to no particular measure, but to that general spirit of speculation which was going beyond all bounds, and was likely to bring the greatest mischief on numerous individuals.

The *Lord Chancellor* said, that he ought to apologize, if he might so express himself, for not having brought in the bill of which he had formerly given notice, relative to Joint Stock Companies: but, parties had come before him while he was exercising his judicial duties, and he did not think it right to be declaring the law in that House, while he had to give judgment in another place. He had been employed, since September last, in hearing persons engaged in speculation, who had been quarrelling among themselves. A noble lord near him had, for the last two days, witnessed the proceedings in the court of Chancery. From what had taken place, it would appear, that these parties had enough to fear from the state of the law as it now stood; to say nothing of any new act. They could not be aware of the extent of the danger in which they were placed.

HOUSE OF COMMONS.

Friday, March 25.

FOREIGN COMMERCE OF THE COUNTRY.] The House having resolved itself into a committee to consider of the consolidated Custom Duties,

Mr. *Huskisson* rose and spoke, in substance, as follows:*—

Sir;—In requesting the attention of the committee, whilst I state (in continuation of the subject which I had the honour to open on Monday last) the alterations which I propose to recommend in the duties levied upon the importation of materials employed in some of our principal manufactures, and also in the prohibitory duties now imposed upon the manufactured productions of other countries, I need scarcely bespeak the disposition of the committee to countenance the principle of these proposals, so far as they shall be found not inconsistent with the protection of our own industry. I feel the more assured of this general disposition in the committee, not only as it was manifested on the former evening, but also from the experience, which the House and the country now have of the benefits to be derived from the removal of vexatious restraints, and meddling interference, in the concerns of internal industry, or foreign commerce.

However confident either my right hon.

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friend the chancellor of the Exchequer, or I myself, may have been, that the changes which, since the restoration of peace, it has been our duty to propose in our commercial policy, would be attended with the most salutary consequences, it was impossible for us—at least it was impossible for me—not to feel that, in the application of the soundest principles, the result, from unforeseen causes, may sometimes disappoint our expectations. It became us, therefore, to watch the issue of each experiment, and not to attempt too much at once, until we had felt our way, and until the public were prepared to accompany us in our further progress. But I think I am not too bold in stating that, in every instance, as far as we have hitherto gone, not only have the fears and forebodings of the particular interests by which we were opposed proved to be visionary and unfounded, but the expectations of our most sanguine supporters have been more than realized. In these advantages, therefore, the opponents of the measures by which they were produced, must, on the one hand, find a matter of consolation, that their admonitions did not persuade—that their arguments did not convince—that their predictions did not intimidate: and, on the other hand, past success is, to the supporters of those measures, a source of encouragement to follow up the same path, as likely to lead us still further in the career of public prosperity.

The committee will recollect that, when the change was made last year in the system of our Silk trade, one great alteration was the substitution of an ad valorem duty of 30*l.* per cent instead of an absolute prohibition of all articles manufactured of silk. A doubt was suggested at the time, and in that doubt I participated, whether 30*l.* per cent was not too high a duty;—not too high, indeed, according to the apprehensions of the British manufacturer, (for he stated it would be quite inadequate to his protection) but whether its amount would not still leave some latitude to the smuggler. This latter ground of doubt still remains—the former, I believe is already pretty well removed. If alarm now exist any where, and I know it does exist, it is transferred to the other side of the channel, and is to be found only among the manufacturers of France, in consequence of the great progress and improvement, since made in this country, in every branch of the silk trade.

Having thus ruled that 30*l.* per cent is the highest duty which could be maintained for the protection of a manufacture, in every part of which we were most behind foreign countries—the only extensive manufacture, which, on the score of general inferiority, stood in need of special protection—surely it was time to inquire in what degree our other great manufactures were protected, and to consider if there be no inconvenience, no unfitness, no positive injury caused to ourselves, no suspicion and odium excited in foreign countries, by duties which are either absolutely prohibitory—or, if the articles to which they attach admit of being smuggled, which have no other effect than to throw the business of importing them into the hands of the smuggler.

To bring this subject more particularly before the House, I will begin with our greatest manufacture, that of cotton. It will not be denied that, in this manufacture, we are superior to all other countries: and that, by the cheapness and quality of our goods, we undersell our competitors in all the markets of the world, which are open alike to us and to them. I do not except the market of the East Indies (the first seat of manufacture), of which it may be said to be the staple, where the raw material is grown, where labour is cheaper than in any other country, and from which England and Europe were, for a long time, supplied with cotton goods. Now, however, large quantities of British cottons are sold in India at prices lower than they can be produced by the native manufacturers. If any possible doubt could remain that this manufacture has nothing to apprehend from competition any where, and, least of all, from a competition in our own home market, it must vanish when I state to the committee, that the official value of cotton goods, exported last year, amounted to the astonishing sum of 30,795,000*l.*; and yet such have been the extravagant fears of a jealous monopoly, and such is the influence of old prejudices, that in our book of rates, the duties, will the committee believe it?—stand at this moment as follows:—on certain descriptions of cotton goods, 75*l.* per cent, on others 67*l.* 10*s.* per cent, on a third class 50*l.* per cent.

It is impossible not to smile at the discriminating shrewdness which made these distinctions, and which could discover that, with a protection of 67*l.* per cent,

ten shillings more were wanting, to make the balance incline on the side of the British manufacturer, in the market of his own country. These absurd duties, and equally absurd distinctions, attach alike upon the productions of our own subjects in the East Indies, as upon those of foreign countries; whilst our manufactures are admitted, almost duty free, into all the territories of the East-India Company. Instead of this graduated, but monstrous scale, I propose to admit all foreign articles manufactured wholly of cotton, whether from the East Indies or elsewhere, at one uniform duty of 10*l.* per cent, which, I conceive, is sufficient to countervail the small duty levied upon the importation of the raw material into this country, and the duty upon any other articles used in the manufacture. Any protection, beyond this, I hold to be not only unnecessary but mischievous.

From cotton, I proceed to woollens, one of our oldest manufactures—that which has been most nursed and dandled by the legislature—a favourite child, which like other favourites, has, I suspect, suffered, rather than profited, by being spoilt and petted in rearing; whilst its younger brother of cotton, coming into the world much later, has thriven better by being much more left to rough it, and make its own way in life. Some detailed and authentic history of the paternal and zealous solicitude with which our ancestors in this House interposed to protect the woollen manufacture (should such a history ever be written), will alone preserve future generations from incredulity, in respect to the extent to which legislative interference was once carried in this branch of internal industry. Within my own time, regulating acts, dealing with every minute process of the manufacture, have been repealed by the score; as have also heaps of other laws, equally salutary and wise, prescribing the mode of clipping wool, its package, the time to be allowed, and the forms to be observed, in removing it from one place to another—laws, the violation of which, in some instances, amounted to felony, but which now no longer disgrace the Statute-book. Fortunately for the cotton manufacture, it was never favoured with this species of protection, so abundantly lavished upon woollen, and which was only withdrawn last year from silk, by the repeal of the Spitalfields acts.

I am well aware that this retrospect to former systems may be wearisome to the committee, but it is not without its importance, if it were only to strengthen us against falling again into erroneous courses. I trust, therefore, that I may be allowed to state, from official documents, what has been the relative progress of our cotton and woollen manufactures, since the year 1765, being a period of sixty years:—

The quantity of cotton wool imported into Great Britain, in the year ended the 5th of January, 1765, was about 3,360,000 *lbs*. The value of cotton goods exported 200,000*l.*

The quantity of cotton wool imported in the year ended the 5th of January, 1825, was 147,174,000 *lbs*. The value of cotton goods exported 30,795,000*l.*

The quantity of lamb and sheeps' wool imported in the year 1765, was 1,926,000*lbs*. The value of woollen goods exported 5,159,000*l.*

The quantity of lamb and sheeps' wool imported in the year 1825, was 23,858,000 *lbs*. The value of woollen goods exported 6,926,000*l.*

Perhaps I may just add, that the quantity of raw silk imported in 1765, was 418,000 *lbs*; and in 1825 3,047,000*lbs*.

In submitting these satisfactory statements, I cannot refrain from calling the attention of the committee to one observation which they suggest to my mind. It must, I think, be admitted, that, in the year 1765, the whole quantity of sheeps' wool grown in this country could not be nearly so great as at present, when, owing to the many improvements in husbandry, and particularly in the art of raising winter food for the flocks, the number of sheep must be greatly increased; and yet the, quantity of wool imported in that year, was not one-twelfth of the quantity imported in 1825. Out of this aggregate supply from home growth, and foreign import, the whole wants of our own population were supplied in 1765, leaving to the amount of 5,159,000*l.* of manufactured woollens for exportation. In the year 1825, out of the aggregate of the home growth, and of an import of wool so greatly exceeding that of 1765, the whole manufactured export is 6,926,000*l*, being an increase over that of 1765, of only 1,765,000*l.* Now, let me ask the committee, how often, in these sixty years, has the increase of consumption in cotton and silk clothing been contemplated with alarm and jealousy, by the wool-grower,

and the woollen manufacturer; by the descendants of those who passed laws, (repealed only within these last ten years) compelling us to be buried in woollens? —And yet what was our consumption of cotton—that other great article of clothing?—in 1765, next to nothing; and what is it now?—greater probably than the whole amount of our woollens, to say nothing of the consumption of silk, which has also increased eight-fold. Can any statement show more decidedly the wonderful increase in the power of consumption by this country? Can any thing more forcibly illustrate that general position to which I have already adverted, and which cannot be too strongly impressed on those who legislate for the interests of commerce and industry—that the means which lead to increased consumption, and which are the foundation, as that consumption is the proof, of our prosperity, will be most effectually promoted by an unrestrained competition, not only between the capital and industry, of different classes in the same country, but also by extending that competition, as much as possible to all other countries.

The present rates of duty on foreign woollens vary from 50*l.* to 67*l.* 10*s.* per cent. I am satisfied that 15*l.* per cent will answer every purpose of reasonable and fair protection; and this is the reduction, therefore, which I intend to submit to the committee.

The next great branch of manufacture is that of linens:—this also has been the object of more nursing and interference than were good for its healthy and vigorous growth. But not to weary the committee with details, I will proceed at once to state, that the present duties, which are very complicated, fluctuate from 40*l.* to 180*l.* per cent, and that I propose to simplify and reduce them, by putting them all at 25*l.* per cent.

In like manner the duties on paper, which are now altogether prohibitory, I propose to reduce, so that they shall not exceed double the amount of the excise duty payable upon that article manufactured in this country. This reduction will extend to printed books, which now pay, if in any way bound, 6*l.* 10*s.* and, if unbound, 5*l.* the cwt. The amount of these duties is sufficient, as I have been assured, to lead to the smuggling of books printed abroad; and I am sure that, for the character of this country—for the interest of science and literature—the importation of foreign works, which do not interfere with any copyright in England, ought not to be discouraged. I should; therefore, propose to lower these duties regard being had to copyrights, which may require specific provisions, to 3*l.* 10*s.* and 3*l.*, respectively.

Upon glass, the present duty, which is 80*l.*, I propose to lower to 20*l.* per cent; and, instead of the heavy duty, so justly complained of, upon common glass bottles, amounting to 16*s.* 2*d.* a dozen (which, now that wine is reduced in price, amounts in many cases to more than half its value), I intend to recommend a duty of three shillings only.

Upon all descriptions of foreign earthenware, an article with which we supply so many other countries, the present duty is 75*l.* per cent; the effect of which is, that ornamented porcelain is abundantly smuggled from the continent. I propose to reduce the duty on earthenware, and plain porcelain goods to 15*l.*, and upon porcelain, gilt, or ornamented, to 30*l.* per cent; which is quite as much as can be demanded, without throwing this branch of import into the hands of the smuggler.

To foreign gloves, another manufacture, now altogether prohibited, but which are to be bought in every shop, I apply the same observation, and the same measure of duty, 30*l.* per cent.

I now come to the metallic substances. —The amount of the reduction which I propose upon Iron, from 6*l.* 10*s.* to 1*l.* 10*s.* a ton, has already been stated by my right hon. friend the chancellor of the Exchequer. It afforded me great satisfaction, on that occasion, to hear the liberal sentiments avowed by a worthy alderman (Thompson), who is very extensively concerned in the iron works of this country. His unqualified approbation of this important change, I had flattered myself, would have been echoed by all the other iron masters: but in this expectation I have been disappointed. Deputations from the mining districts have since been at the Board of Trade. I have heard their representations—but I have not been convinced by them. I am bound to say, that they fully partake of the character of nearly all the communications (and they are many) which I have received from those whose interests in manufacture or trade are affected, or likely, in their apprehensions, to be affected, by the changes which I am

now submitting to the committee. They are all great advocates for free trade generally, all alike forward in their approbation of the principles on which the government is now acting; but each has some reason to assign, quite conclusive, I have no doubt, in his own mind, why his peculiar calling should be made an exception. All these special reasons, I own, have only satisfied me, that the general rule of free competition is the best for all trades, as it is certainly the best for the public; though I can quite understand, that a privilege or monopoly given to any one branch, whilst it is denied to all others, might be an advantage to that particular trade. But is it fit that in an article like iron, of universal use in all our manufactures, in all the arts and conveniences of life, in agriculture, in houses, in ships, we should now be suffering from a scarcity of that metal? That we should submit to have every article, in which it is used, greatly increased in price, as well as deteriorated, perhaps, in quality, on account of the enormous duty imposed upon foreign iron, not for the purpose of revenue, but for that of protection—a duty which amounts nearly to a monopoly in favour of the British iron masters? Has not the price of British iron, of late, been almost doubled? Have not all the iron masters demands for iron beyond what they can supply? Is there no risk or danger to our hardware manufactures at Birmingham and Sheffield, from this state of things? Can they execute the orders which they receive from abroad, if iron continues at its present price, or is to rise still higher? How many thousand workmen will be thrown out of employ, if this branch of trade be lost to this country? Is there no reason to apprehend its being transferred to Germany, the Netherlands, and other parts of the continent? I have been assured, upon authority not likely to mislead me, that very extensive orders, which have lately been received at Birmingham from the United States, and other parts, have been refused, because the great rise in the price of iron does not admit of the articles being made within the limits specified in those orders. And what is the consequence? They are transferred to the continent; and the share of this country in their execution, is confined to making the models and drawings, which are prepared here, for the guidance of the foreign artificers. It is, therefore, of the greatest importance, that the duties on foreign iron should be reduced, in reference, not only to the interests of the consumer in this country, but also to the well-being of those numerous classes who are employed in all the manufactures of this metal for foreign countries. The necessity of this reduction becomes the more urgent, from the fact, that, at this time, the whole produce of the British mines is not adequate to supply the present demand. But, quite independent of this evil, which may be temporary, I own it appears to me, that it would be of great advantage to the manufactures of this country to be able to procure foreign iron, particularly that of Sweden, on easy terms. Swedish iron is known to be superior to our own; its admixture with British iron would improve the quality of our manufactures; they would be held in higher estimation, and not only be able to command a more decided preference in foreign markets, but become more valuable for all the purposes to which iron is applied in our domestic consumption.—Take, for instance, the important article of iron cables now so generally used by our shipping; it will not be denied that, by a due proportion of Swedish iron in their composition, their strength and tenacity would be improved. Here, then, an important advantage to our naval interests, connected too with the safety of every ship using iron cables, is directly counteracted by the present high duties on foreign iron. The result of its more free admission, I am persuaded, will be, not only to check those extreme fluctuations, which, of late years, we have witnessed in the price of iron—at one time so low as to be ruinous to the producer, at another so high, as to be greatly distressing to all the other interests of the country—but also by the improvements to which it will lead, to extend the use and consumption of manufactured iron (the bulk of which will always be our own) both at home and abroad. This increased demand, joined to a more steady price, will, ere long, more than compensate to the British iron masters the temporary inconvenience, if any, which some of them apprehend from the extent to which it is proposed to carry the reduction of this duty.

The next metal upon which I have to propose a reduction, is copper. The duty, which in 1790 did not exceed 10*l*., now amounts to 54*l*. a ton. This high duty is not less injurious to the manufac-

turer than the high duty on iron. Now, if the price of our copper manufactures is to exceed that of the like articles of foreign manufacture, in any thing like a proportion to this enormous duty, it is evident, that, even assuming some superiority in the skill of our workmen, we must ultimately be driven from the markets of other countries. The quantity of copper produced by the English mines amounts to about 10,000 tons annually, of which something less than one-half suffices for the home consumption. This being the proportion, do not the owners of copper mines see, that if, by the high price at which the manufacturer buys copper, he should lose his hold upon the foreign market, they must be injured by the effects of their own monopoly? The annual supply required would then be diminished to less than 5,000 tons; and they would, therefore, run the risk of losing more by the continuance of the present high duties, than by the repeal of them. These prohibitory duties have already, in my judgment, been attended with serious injury. They have prevented copper, not only in an unmanufactured, but in an imperfectly smelted state, from coming into this country. This metal exists in great abundance, not only in several parts of Europe, but also in some of the new States of America. It would have been sent here, as it used to be, in an imperfect state, in payment for British manufactures. Here it would have undergone the process of purifying, of rolling, or of being otherwise prepared for consumption, by the means of our superior machinery, had it not been kept away by impolitic restrictions. They operated as a bounty upon the transfer of our capital to other countries, and as a premium to encourage the inhabitants of those countries to do for themselves that which, greatly to our own advantage, we should otherwise have continued to do for them. At the same time I am aware, that considerable capitals have been invested in our copper mines, under the encouragement given by the present monopoly, and how difficult it is to do all that the public interest would require, without injury to those particular interests. This, in almost every instance, is the most arduous part of the task which a sense of public duty has imposed upon me. In the present case, however, I believe that I may safely, and I hope with advantage to both parties, propose to reduce the duty on copper from 54*l.* to 27*l.* a ton; without committing myself, not to recommend, at a future period, even a further reduction, if it should appear that the present limit is not sufficient to enable our manufacturers to preserve their foreign market, and that, at a lower rate of duty, no great or sudden check would be given to the British mines.

There is another metallic substance, in some degree connected with the copper manufacture, the duty upon which ought to be considerably lowered.—I mean zinc, commonly known in trade under the name of spelter. This semi-metal enters, in the proportion of about one-third, I understand, into the composition of brass. The selling price of spelter, on the continent, is about 20*l.* a ton, here about 45*l.*, and the duty is 28*l.* Now, with a duty upon copper of 54*l.* a ton, and upon spelter of 28*l.*, what chance can we have of maintaining a footing in the foreign market for any description of brass wares? None:—and accordingly I am assured that, at this moment, our briskest demand in this trade is in the preparation of moulds and patterns for the foreign manufacturer. Upon spelter, I shall propose to reduce the duty full one half. I feel that I ought to go still lower, and perhaps I shall, after making further inquiry, in some future stage; for I am convinced that the mines of this country cannot successfully compete with those of Silesia, in which spelter is principally produced.

Upon tin, the present duty is excessive. It is an article of which we have more the command, and is of less extensive consumption. I propose, however, to reduce the duty more than one half—from 5*l.* 9*s.* 3*d.* to 2*l.* 10*s.* the cwt.

The duty on lead is now 20*l.* per cent ad valorem; this I propose to lower to 15*l.*, which, I hope, will be sufficient to admit of a foreign import, and to check the present exorbitant price of that metal. If I shall find, upon further investigation, that this is not likely to be the case, I shall reserve to myself to suggest, on some future stage, a further reduction in this duty also.

There are several other enumerated articles in the Book of Rates, upon which I propose to reduce the duties upon the same principle. I should only weary the committee by going through the detail of these alterations — they will be found in the schedule annexed to one of the resolutions which I shall submit for their consideration. Perhaps, however, I ought to

state that, although every thing which can, by any accident, be considered as an object of jealousy to any of our manufactures, is enumerated by name in the Book of Rates, there are other things not directly connected with trade or merchandize, but with art, science, and literature, and deriving their value solely from such connexion, which, whenever they are brought into this country, cost the person who imports them 50*l.* per cent on their estimated value, under a sweeping clause, at the end of that book, which provides, that upon all goods, wares, and merchandize, being, either in part or wholly, manufactured, and not enumerated, a duty of 50*l.* per cent shall be payable, and a duty of 20*l.* per cent upon all non-enumerated goods, not being either in part or wholly manufactured. Now this duty of 50*l.* per cent, of little value to the Exchequer, and attaching principally upon such objects as I have adverted to, is, I am sure, one which the committee will concur with me in thinking ought to be reduced. The instances, in which this high duty attaches on articles of curiosity and interest, are not very numerous; they are sometimes ludicrous, perhaps, but not very creditable to the good taste and character of this country. One instance, which I recollect to have heard, I will mention. A gentleman imported a mummy from Egypt. The officers of the customs were not a little puzzled by this non-enumerated article. These remains of mortality, muscles and sinews, pickled and preserved three thousand years ago, could not be deemed a raw material; and therefore, upon deliberation, it was determined to tax them as a manufactured article. The importer, anxious that his mummy should not be seized, stated its value at 400*l.* The declaration cost him 200*l.*, being at the rate of 50*l.* per cent on the manufactured merchandize which he was about to import. I propose to reduce the duty on manufactured articles, not enumerated, from 50*l.* to 20*l.*, and on articles unmanufactured, from 20*l.* to 10*l.* per cent.

The result of the alterations, which I have now stated to the committee, will be this — that upon foreign manufactured articles generally, where the duty is imposed to protect our own manufactures, and not for the purpose of collecting revenue, that duty will, in no instance, exceed 30*l.* per cent. If the article be not manufactured much cheaper or much better abroad than at home, such a duty is ample for protection. If it be manufactured so much cheaper, or so much better abroad, as to render 30*l.* per cent insufficient, my answer is, first, that a greater protection is only a premium to the smuggler; and, secondly, that there is no wisdom in attempting to bolster up a competition, which this degree of protection will not sustain. Let the state have the tax, which is now the reward of the smuggler, and let the consumer have the better and cheaper article, without the painful consciousness that he is consulting his own convenience at the expense of daily violating the laws of his country. When my right hon. friend, the chancellor of the Exchequer, is labouring to put an end, as fast as he can, to the evils of smuggling, by lowering the duties, increased during the pressure of the war, and for the purposes of revenue, upon articles of consumption, the last thing which we ought to countenance, is the continuance of high duties, not for the benefit of the Exchequer, but for the supposed protection of certain branches of manufacture. Is the illicit importation of foreign spirits to be checked, merely to give fresh life to the smuggling of cambrics and lace from Flanders, or of gloves and porcelain from France? I cannot think that gentlemen are aware to what an extent all the moral evils of smuggling are encouraged by the prohibition of these comparatively petty articles. Let any one go down to Brighton, and wander on the coast from thence to Hastings; I will undertake to say, that he shall most easily find, at every place he comes to, persons who will engage to deliver to him, within ten days or a fortnight, any prohibited article of manufacture, which he can name, and almost in any quantity, upon an advance of 30*l.* per cent beyond the prime cost at Paris. What is the consequence of such a system? A number of families, that would otherwise be valuable and industrious members of society, exist, and train up their children, in a state of perpetual warfare with the law, till they insensibly acquire the habits and feelings of outlaws, standing rather in the relation of pirates, than of fellow-subjects, to the rest of the community. And is this abominable system to be tolerated, not from any over-ruling necessity of upholding the revenue, nay, possibly, to the injury of the Exchequer, but merely because, in a few secondary branches of manufacture,

we do not possess the same natural advantages, or the same degree of skill, as our neighbours? If cambrics are made better at Valenciennes, is that a sufficient reason for imposing a prohibitory duty on all linens; a duty from which the revenue gets next to nothing, whilst the country is full of the proscribed article? If certain descriptions of paper for engraving are made more perfect in France, are we always to be condemned to the use of an inferior and dearer article of home manufacture? The time has been, when it was found quite a sufficient reason for imposing a prohibitory duty upon a foreign article, that it was better than we could make at home; but, I trust, when such calls are made upon this House hereafter, our first answer at least will be, let us see what can be done by competition; first try to imitate, and by and by, perhaps, you will surpass your foreign rival. This is the feeling, this is the hope and the emulation which we have now created in the silk trade; and, I believe, with a very reasonable prospect of the most complete success. But this feeling never would have been called forth under the old and helpless system of prohibitory protection. Prohibitions, in fact, are a premium to mediocrity. They destroy the best incentive to excellence, the best stimulus to invention and improvement. They condemn the community to suffer, both in price and quality, all the evils of monopoly, except in as far as a remedy can be found in the baneful arts of the smuggler. They have also another of the great evils of monopoly, that of exposing the consumer, as well as the dealer, to rapid and inconvenient fluctuations in price.

With the knowledge of this fact, that we furnish, in a proportion far exceeding the supply from any other country, the general markets of the world, with all the leading articles of manufacture, upon which I have now proposed greatly to lower the duties, I own that I am not afraid of this country being overwhelmed with foreign goods. Some, I know, will come in, which are now excluded; I shall be glad of it. In various ways, their admission will be beneficial to the general interests of the country. That it cannot be extensively injurious to any of those interests, may be inferred, not only from the arguments with which I have already troubled the committee, but from actual experience. In the year 1786, we entered into a commercial treaty with France. Under the stipulations of that treaty, the cottons and woollens of France were admitted into this country, upon a duty of 12*l.* per cent.—I now propose for the latter 15*l.* Hardware, cutlery, turnery, &c. upon a duty of 10*l.*, I now propose 20*l.* per cent. Pottery, and glass, &c. under a duty of 12*l.*—I now propose 15*l.* upon the former, and 20*l.* upon the latter. What was the result of this treaty? We sent goods of various descriptions to the French market, and England was supplied with other goods of French production; but no injury accrued—no check was given to any particular branch of our staple manufactures, in consequence of this interchange. One advantage arising from it was, to create a spirit of emulation, an instance of which occurred in the woollen trade. Soon after the opening of the intercourse between the two countries, French cloths of a fine quality were imported in considerable quantity.—They were preferred to our own. No fashionable man was to be seen without a coat of French cloth. What followed? In less than two years, the cloth of our own manufactures became equal to that imported from France; the one could not be distinguished from the other; and coats of French cloth were still the fashion, whilst the cloth of which they were made was manufactured in this country. In like manner, we shall now, in all probability, import some printed cottons from Alsace and Switzerland, of richer and brighter colours than our own; some fancy muslins from India; some silk stuffs, some porcelain from France, objects for which curiosity or fashion may create a demand in this metropolis; but they will not interfere with those articles of more wide and universal consumption, which our own manufactures supply cheaper and better; whilst they will excite the ingenuity of our artists and workmen, to attempt improvements, which may enable them to enter the lists with the foreigner, in those very articles in which he has now an acknowledged superiority.

I know it may be objected, that a great change has taken place, in the situation of the British manufactures, since the French treaty of 1786, that we have been engaged in a long and expensive war, and that we have now to support the weight of a great many new and heavy taxes. I admit that such is the case: other countries, however, have not been exempted from the calamities of war; their taxes, too,

have been increased; their burthens made to press more heavily. What is still more mischievous, in most of those countries, their commercial and manufacturing establishments have felt more directly the ravages and interruption of war; many of them have been violently swept away; whilst the capitals which they had called forth, if not confiscated, have been impaired or diminished, by the exactions of military power. In this country no such calamity has been experienced. The trading capital of England remains entire; even during the war, it continued constantly increasing; and in respect to the comparative cheapness of labour in foreign countries, although by no means an immaterial part of the present consideration, it is not alone sufficient, as experience has shown, to make the balance preponderate in their favour. Since the invention of the steam engine, coupled with the application of so many other discoveries, both in mechanical and chemical science, to all the arts of life, the mere estimate of manual labour is lost sight of in comparison with that of the creative powers of mind. It is the union of those powers, and of the great capitals which call them into action, which distinguishes British industry, and has placed it in the commanding situation which it now holds in the world. To these advantages, are joined that energy and continuity of enterprise, that perseverance and steadiness of exertion, which, even by our rivals, are admitted to belong to the English character. It is upon these qualities, and these advantages, much more than upon any system of bounties and protecting duties, that I rely with confidence, for the maintenance and improvement of the station which we now occupy, among the trading communities of the world.

I expect further to be told, as a general objection to the course which I now recommend—Indeed I have already been told, in the correspondence which I have felt it right to hold with some of our most intelligent and accomplished merchants and manufacturers on this subject, before I brought it before this committee—that in 1786, we had insured from France, by treaty, a reciprocity of commercial advantages; but that, at present, we have made no such arrangement. This objection, I admit, in one respect, deserves consideration. I mean in its relation to the foreign market—with regard to the danger of our being under-sold in our own market, it does not hold at all. Now, in respect to our deferring any improvement in our own commercial system, until we can persuade foreign States to view it as a concession to them, which we are ready to make in return for similar concessions on their part, I cannot, I own, discover much wisdom in such a line of policy; but, as I have already stated that I had corresponded with others on this part of the subject, I am sure it will be an acceptable relief to the committee (wearied as they must be with hearing me), if I substitute, for my own arguments, the more forcible reasoning of one of my correspondents, a gentleman deeply concerned as a manufacturer and a merchant, who unites to great practical knowledge a vigorous understanding, of which he has formerly given proofs in this House, which must make us all regret that he is no longer a member of it; I mean Mr. Kirkman Finlay. I received from him a letter, dated the 18th of February, of which the following is an extract:

"Subscribing, as I do, to every one of the advantages stated in your letter, I will not occupy your time by going further into the subject; at the same time, I must not lead you to suppose that such a measure is likely to be adopted, without some opposition from manufacturers, who have all their old prejudices to remove before they can subscribe, in their own case, to the sound principles of free commercial intercourse, which you are, so much to the public advantage, endeavouring to establish. Believe me, that no one takes a deeper interest than I do in the success of all such measures; and I am certain that the adoption of such a plan as we are now talking of, will go far in its consequences, to satisfy persons both at home and abroad, of the benefits that will arise to all countries from the general establishment of such measures. It is no doubt true, that it will be argued that such concessions ought not to be granted to foreign States, without being accompanied by some stipulation for the admission into their consumption of some of our produce or manufactures, on the payment of a moderate duty. But in my view of the case, we ought not to suffer ourselves to be influenced by such reasoning, since our whole object being to benefit ourselves, our inquiry is naturally confined to the consideration of whether such a mode of acting be really advantageous, independent altogether of what may be done by the

governments of other countries. Now, if the measure be really beneficial to us, why shall we withhold from ourselves an advantage, because other States are not yet advanced so far as we are in the knowledge of their own interests, or have not attained the power of carrying their own views into practice?"

In the last sentence of this letter, the writer has, I believe, stated the real grounds which may still, for some time, prevent foreign States from following our example, namely, "their ignorance of their own true interests, or their incompetence to carry their own views into effect." But let my right hon. friend, the chancellor of the Exchequer, continue his good practice of coming down to this House, session after session, to accumulate fresh proofs, that the removal of restrictive impositions and excessive duties is not diminution, but, frequently, increase of revenue:—Let foreign countries see him, year after year (and I hope he will long be able to do so), largely remitting public burthens, and at the same time exhibiting a prosperous Exchequer, still flowing to the same perennial level; and, I have no doubt, when the governments of the continent shall have contemplated, for a few years longer, the happy consequences of the system in which we are now proceeding, that their eyes will be opened. They will, then, believe—but, at present they do not—that we are sincere and consistent in our principles; and, for their own advantage, they will, then, imitate us in our present course, as they have, of late, been adopting our cast-off system of restrictions and prohibitions. That they have, hitherto, suspected our sincerity, and looked upon our professions as lures to ensnare them, is not very surprising, when they compared those professions with that code of prohibition which I am now endeavouring to pare down and modify to a scale of moderate duties. At the same time, as a stimulus to other countries to adopt principles of reciprocity, I shall think it right, to reserve a power of making an addition of one-fifth to the proposed duties, upon the productions of those countries which may refuse, upon a tender by us of the like advantages, to place our commerce and navigation upon the footing of the most favoured nation. I need scarcely add, that no part of these arrangements will interfere with the power of the Crown, to enter into specific treaties of commerce with the particular States, by which treaties, the duties now proposed may be still further varied or modified, subject always to the approbation of parliament.

Having now stated the alterations which I intend to propose, with regard to the protecting and prohibitory duties, I have only to add that, with a view to give the British manufacturer every fair advantage in the competition with which he has to contend in the foreign market, it is desirable to consider how far this object can be promoted, by a reduction of some of the duties now levied upon the raw materials, which he is obliged to use in his manufacture.

During the exigencies of the late war, duties were laid, or increased, upon various articles used in dyeing. The revenue derived from these duties is not considerable: but in proportion to the amount of the charge, must be the increased price of the manufactured commodity. Be that charge, upon our woollen cloths, for instance, only 1 or 2 per cent, even this small addition in the present open competition of the foreign market, may turn the scale against us, and ought therefore, to be withdrawn. On most of the articles in question, I shall propose a large reduction in the existing rate of duty. They are so numerous that I shall not weary the patience of the committee, by mentioning them specifically: they will all be found in the schedule, which will form part of the intended resolutions. To one or two articles, however, not included under the class of dyeing drugs, I must beg leave shortly to refer. Olive oil is very much used in the manufacture of the finer woollen cloths.—The duty upon it was somewhat more than doubled during the war. I propose to reduce it to a rate rather below that of the year 1790; from 15*l.* 13*s.* the present duty, to 7*l.* a tun. This will be a great relief to the manufacturer. There is another species of oil, extracted from rape seed, largely used in the preparation of the coarse woollens, upon which I also propose to give relief. The committee may, perhaps, recollect that a few years ago; when the panic of agricultural distress was in full force—when fears were openly expressed in this House, that England must cease to grow corn, (and fear it is said, is seldom a wise counsellor) it was suggested, that the raising of rape seed might become a profitable substitute; and, upon

this suggestion, a duty, almost prohibitory, was laid on foreign seed, which till then had been imported free from any charge. This measure, of which the benefit, if beneficial at all, was confined to a very few districts of the kingdom, has certainly contributed nothing to the revival of our agriculture, but it has, in various ways, been attended with detriment to our manufactures. It has greatly injured the manufacture of rape oil and rape cake in this country, and it has increased the price of the former to the woollen trade. The cake, indeed, being wanted for agricultural purposes, is allowed to come in from abroad nearly duty free; so that, in this instance, and to this extent, our recent policy has been, to prohibit the raw material and to encourage its importation in a manufactured state. I propose to revert to our ancient policy in respect to this article; and, after giving a certain time to the dealers to get rid of their stock in hand, to allow the free importation of rape seed, upon a duty which will be merely nominal. The only other article, which I think it necessary to mention, is Wool. The duty is now one penny a pound upon all foreign wool. It has been stated to me, that even this rate of duty presses severely upon the manufacturers of coarse woollens, in which we have most to fear from foreign competition, and that considerable relief would be afforded by reducing it to one half, upon all wool, not exceeding the value of one shilling a pound. I therefore propose to make this alteration, by which, I am assured, the quantity of coarse wool imported into this country, to be mixed in the manufacture with our own long wool, is likely to be greatly increased.

All these reductions I consider to be right and proper in principle; but, as measures calculated to afford encouragement and assistance to our manufactures, I am particularly anxious to propose them at the same time when I am bringing forward other measures not unlikely, till better understood, to excite alarm in particular quarters. Some of the duties which I am now dealing with, I am aware, were imposed for the purposes of revenue; it may, therefore, be thought, that in repealing them, I am travelling out of my own department, and encroaching, in some degree, upon that of the chancellor of the Exchequer. But my right hon. friend, I have no doubt, will forgive me where the pecuniary sacrifice is trifling, and the relief to our manufactures the more important consideration. He, I am sure, will allow me to consider myself, however humble, as a fellow-labourer with him in the same vineyard. Whilst I am pruning away the useless and unsound branches, which bear at best, but a scanty and bad crop, my object is to draw forth new and vigorous shoots, likely to afford better and more abundant fruit; the harvest of which, I trust, it will be his lot hereafter to present, to his applauding country, in the shape of further relief from taxation.

I now come to the last of the three heads, into which I have divided the subject, to be submitted to the committee—the means of affording some further encouragement to the shipping and navigation of the empire. There is already a bill on the table which will contribute very essentially to the relief of that important interest. I mean the bill which repeals all the quarantine duties. They operated as a very considerable burthen, unfairly placed on the particular ships and goods which were compelled to perform quarantine. This was a precaution adopted, not for the special advantage of those engaged in any particular trade—on the contrary, to them the detention and loss of time were great inconveniences however unavoidable—but for the general protection and safety of the community. The committee of Foreign Trade was, therefore, perfectly justified in recommending that the expense of quarantine should be borne by the country at large, and not by any particular class in it; and a bill has been brought in, accordingly by my right hon. friend, the vice president of the Board of Trade. Another measure of substantial relief, now in contemplation, I have already mentioned to the House, but I am convinced, from the communications which I have since received, that I, then, underrated its importance. That measure is the abolition of fees upon shipping and trade in our colonies. Besides the vexation and liability to abuse, inseparable from the present system, I know that in many instances, the fees alone, upon a ship and cargo, amount to much more than all the public duties collected upon the same.

The next measure, which I have to propose, is the repeal of the Stamp duty now payable upon the transfer of a whole ship, or of any share in a ship, from one person to another. A ship, I believe, is the only

chattel upon which a duty of this sort attaches, as often as it changes hands. I can trace no reason for this anomaly, except one, which ought rather to be a plea for exemption. From motives of state policy, we compel the owner, or part owner of any ship, to register his interest or share therein. From this registry the ship-owner derives no advantage—on the contrary, however improved the forms and regulations now observed, it is at best to him troublesome, and more or less obnoxious to litigation. By consolidating and amending the registry laws, I have done every thing in my power to mitigate those inconveniences, but still every transfer must be registered. Now, to take advantage of a law, which compels the names of all owners to be registered, in order to attach a heavy stamp duty on every transfer that may be made in the owner-ship, is an unnecessary aggravation of a necessary inconvenience, and in itself a great injustice. I shall, therefore, submit a resolution for abolishing the whole of this transfer duty upon shipping, by which I shall, at once, relieve the owners of this description of property from a partial tax, and from some degree of annoyance.

There is also another stamp duty, in respect to which I am anxious to afford relief. I mean the duty on debentures for the payment of drawbacks, and on bonds, given by the merchants, for the due delivery of the goods which they have declared for exportation. I propose this relief, partly upon the same principle as that which I have stated in respect to the transfer of ships. These bonds are not entered into for the benefit of the merchant, but for the security of the revenue; besides, from their being ad valorem stamps, they frequently lead to great abuses and perjury. I will not trouble the committee with details upon this subject. I propose to reduce these stamps to a fixed duty of only *5s.* upon each instrument.

As connected with the same subject—the relief of our commerce and shipping from direct pecuniary charges—I beg leave now to call the attention of the committee to the change which I shall propose in the system of our consular establishments in foreign ports. These establishments are regulated by no fixed principle, in respect to the mode of remunerating the individuals employed in this branch of the public service. In one port, the consul receives a salary—in another he is paid exclusively by fees—in a third, he receives both a salary and fees. There is no general rule in this respect, applicable even to the whole of the same country. The consuls at Havre and Marseilles have no salaries. The consul at Bourdeaux has a salary, and is allowed fees. The consul at Antwerp has a salary. The consul at Rotterdam has none. The consul at Stettin has a salary. The consul at Dantzig none. At Madeira the consul has a salary—at the Azores none. The scale of fees, the principle upon which they are levied, the authority for enforcing their payment, and the mode of levying them, appear to be quite as various and unsettled as the mode of remuneration. In some ports, the fees attach upon the vessel—in others, upon the merchandize. In some ports, vessels pay all alike, without regard to their tonnage—in others, the fees are rated in proportion to the size of the vessel. In some ports, again, the fees are an ad valorem charge upon the cargo — in others, so much per ton upon the freight, without regard to its value. Now not only all this discrepancy in the details of the same establishment cannot be right, and would require revision; but I am of opinion, that the whole principle of providing for our consuls, by authorising them to levy a tax upon the shipping and commerce of the country is wrong. In the first place, the foreign trade of the country is one of its great public interests, and as much entitled to be protected at the public expense, as far as it wants protection in foreign countries, as any other great interest. In the next place, in the performance of many of the duties for which consuls are appointed, the ship-owner and merchant have no direct or exclusive interest. The navigation laws, the quarantine laws, instead of being advantageous, are inconveniently restrictive to trade; yet to these it is the peculiar duty of the consuls to attend. They have other essential duties to discharge, in which the merchant and the ship-owner have no interest distinct from that of the whole community. It, therefore appears to me, that it would be just as reasonable to tax English travellers in foreign countries, for the support of our political missions, by which they are protected, as it is to tax the shipping or the trade for the payment of our consular establishments. My object is, to grant to all our

consuls fixed and moderate salaries, to be paid out of the public purse; such salaries to vary, of course, according to the importance and responsibility of the station, to the country in which the consul may reside, and to other circumstances, which must, from time to time, come under the consideration of the government. In the civil list, which is granted for the life of the sovereign, a sum of 40,000*l.* is allotted for the payment of consular expenses. A considerable part of this sum is required for the salaries of certain officers, designated as consuls, but who are, at the same time, diplomatic agents: I mean our residents at Algiers, and the other courts on the coast of Africa, in the Mediterranean. As the remainder of this sum will fall far short of what will be necessary for the payment of the whole consular charge, I propose that the difference should be voted annually by this House, upon estimates to be laid before us by the proper department.

If this change should be approved of by the House, the effect will be the abolition, generally, of all the present fees payable to our consuls, either upon ships or goods, in foreign ports. Certain small fees would still remain for personal acts that a consul may be called upon to perform, such as notarial instruments, and other documents to which his attestation or signature may be required. Those fees will be specified in the bill, and will be reduced to the most moderate amount. In regard to another expense, provided for, in certain ports, by a tax upon shipping—I mean the maintenance of a place of worship, the payment of a chaplain, and other charges of that description—I trust that the British merchants and inhabitants residing at, or resorting to, those ports, will find no difficulty in raising, by a small voluntary rate among themselves, a sufficient sum for these purposes. But, as an encouragement to them to provide the means of performing the important duties of religion, I shall propose, in the bill, to give a power to the government, to advance a sum equal to the amount of any subscription which may be so raised, either for erecting a place of worship, providing a burial ground, or allotting a suitable salary to a chaplain, in any foreign port, where a British consul may reside.

Having now stated the outlines of the plan, which I have to propose, for the improvement of our consular system, it only remains for me to mention one other subject, in immediate connexion with it, and certainly of great importance to a very valuable branch of our foreign trade —I mean, our trade to those countries, which are known under the name of the Levant. This trade was placed under the direction of a chartered company, so far back as the reign of James 1st. Great privileges were conferred upon that company; and they had also important duties to perform. Among their privileges, they were allowed to appoint all the consuls to the Levant, and to levy considerable duties on all British ships resorting to those countries, for the maintenance of those consuls, and the other expenses of their establishment. They also obtained, partly by acts of parliament, and partly by treaty and concession from the Porte, the right of exercising, by their agents and consuls, a very extensive jurisdiction over all British subjects in the Turkish dominions. These powers and trusts have been exercised by the servants of the company, for two centuries, often under very difficult circumstances; and, generally speaking, with great correctness, fidelity, and discretion. In the present state, however, of a great part of the countries in which these consuls reside, and looking, moreover, to our relations with Turkey as well as with other powers, to the delicate and important questions of international law, which must constantly arise out of the intercourse of commerce with a country in a state of civil war—questions involving discussions, not only with the contending parties in that country, but with other trading and neutral powers —it is impossible not to feel that, upon political considerations alone, it is highly expedient that the public servants of this country, in Turkey, should hold their appointments from the Crown. It is to the Crown that foreign powers will naturally look for regulating and controlling the conduct of those officers in the exercise of their authority; and it is certainly most fit, not only on this account, but for the due maintenance of that authority, that they should be named, not by a trading company, however respectable, but, like other consuls, directly by the Crown, advised, as it must be in their selection, by its responsible servants.

If this change in the mode of appointing the consuls in the Levant, be called for upon political grounds, it would be highly absurd not to take advantage of

the occasion to bring them, in all othe respects, under the regulations of the new consular establishment. It become the more important not to neglect this opportunity of affording relief to the Levant trade, as the dues, which the company is authorized to levy, are very considerable, amounting to a tax not much short of two per cent upon the whole of that trade; a charge quite sufficient, in these times, to divert a considerable part of it from the shipping of this country to that of other states. It is due to the noble lord (lord Grenville), who is at the head of the Levant company, to state, that, as soon as this subject was brought under his consideration, he manifested the greatest readiness to assist the views of government in respect to the proposed changes. Nothing less was to be expected from this distinguished individual, who, in his dignified retirement, still interests himself, with the feelings of a statesman, and the wisdom of a philosopher, in the progress of those sound commercial principles, which, in their application, have already conferred so much benefit upon this country. This noble lord called together the company over which he presides, and proposed to them a voluntary surrender of the charter which they had enjoyed for two hundred years. In the most praiseworthy manner, the company acquiesced in this suggestion. His majesty will be advised to accept the surrender so tendered; but it cannot be carried into effect without an act of parliament. Among other requisite arrangements to be provided for by the bill, will be the transfer of a fund which the company has accumulated out of their revenue, and the abolition of the taxes by which that revenue was produced.

I have now travelled over the wide field of the alterations, which I undertook to submit to the committee, in the commercial concerns of this country. I wish that my statement, to many members of this House comparatively uninteresting, had been more perspicuous, for the sake of those who have paid attention to this subject. I was desirous to bring it under consideration, before the recess, in order that the details might be dispassionately and generally considered by the several interests, throughout the country, which are likely to be affected by the measures which I have now proposed. They are open to alterations, and to amendment. I shall be happy to pay every attention in my power, to whatever suggestions may be transmitted to me, from any quarter, for this purpose. All I ask now of the committee is, to take under their protection the comprehensive principle of the system which I have ventured to recommend, and that, so far, they will look upon it as a state measure, connected with the public prosperity. If, to this extent, it shall receive their steady countenance and support, this session will not close without our having proved to this, as well as to other countries, that we have not lost sight of the recommendation from the throne—to remove as much, and as fast, as possible, all unnecessary restrictions upon trade.—The right hon. gentleman concluded, amidst loud cheers, with moving his first Resolution.

Mr. Alderman *Thompson* expressed his hearty concurrence in every proposition which had been laid down by the right hon. gentleman, whose luminous and able exposition of the truly fundamental principles of commercial policy challenged the admiration of every friend to the country. The right hon. gentleman's plans were calculated to afford the greatest relief to commerce, and would eventually xtend our trade. There was no part of the plan which did not meet his approbation; and, upon the question of the iron duty, with which he was best acquainted, he wished to say he entirely coincided with the right hon. gentleman. Being upon his legs, he would take the opportunity of correcting some misapprehensions which had gone abroad, respecting his motives for the opinion which he gave upon this question on a former night. It was well known that he was extensively concerned in the iron trade, and the course which he had taken on the occasion in question, was supposed to have reference to his interest in the trade. He would not condescend to enter into his defence further than to say, that he had had no previous communication with the right hon. gentleman, and that he knew nothing of the proposed reduction on iron, until he had heard it stated by the right hon. gentleman to the House. He was aware, from private information, that there were two foreign countries competing with the English iron manufacturer; but he had also ascertained, that they could never bring an article into the English market, at a price lower than would remunerate our manufacturers. It

was for these reasons that he had expressed his approbation of the intended reduction of duty upon iron. He was aware that the first effect would be, to lower the price of articles; and so far the measure was prejudicial to the manufacturers; but that effect would be but temporary, and the capital and industry of this country would always give us an advantage over foreigners. It was very true that he had an interest in the iron trade; but he hoped he was able to separate his duty as a member of that House from any private considerations. It had been said, that that particular branch of the trade in which he was concerned, would not be affected by the proposed alterations of the duty; but this was not true. At all events, the proposition now made was one of great and general benefit, and without reference to any other than public considerations, it should have his support.

Sir *H. Vivian* approved of the general policy of the proposed measure. Whatever seeming advantages might be given to the foreign artizan, he looked upon all apprehensions as to the ultimate result as visionary; for the industry and integrity of our merchants would carry them beyond those of any other country whatever. It might be well to introduce the raw material upon the lowest possible terms, in order to enable our manufacturers to compete with foreigners; but it was a question deserving of consideration, whether, in some particulars, the principle might not be carried so far as to prejudice interests in this country. He spoke more particularly with respect to copper mines, in which large sums had been of late years invested. It appeared that there were now from 70,000 to 100,000 persons employed in the copper mines, and a capital of 2,440,000*l*. There was no doubt, however, that raw copper could not be produced here, upon terms which would enable us to compete with the foreign article. Copper raised from the mine could not be had under 150*l*.; whilst it might be imported for 50*l*. The right hon. gentleman's bill would give a finishing blow to what a Joint-Stock Company was about to begin. The ablest smelters were going out to South America. He objected to Joint-Stock Companies, when they interfered with any article of individual manufacture. It was well enough whilst they confined themselves to bridges, canals, and great works, but when they became pawnbrokers, milkmen, &c. they ruined individuals. If they succeeded, they created a monopoly; but, whether they succeeded or not, by lowering the prices of articles, they injured individuals. The South American Mining Company was likely to work great prejudice to the mines of Cornwall. If any thing should obstruct the future supply of copper from abroad, those who accommodated their establishments to the standard of the imported material would be reduced to the greatest inconvenience. For these reasons, he hoped the right hon. gentleman would reconsider that part of his plan which related to the reduction of duties on foreign copper. He should not oppose the motion; but he hoped a committee would be given, to show the condition in which the Cornwall mines were, to compete with foreigners.

Sir *M. W. Ridley* agreed in many of the general principles laid down by the right hon. gentleman, but solicited explanation from him, with respect to the proposed diminution of duty on the importation of foreign bottles. The manufacturers of English bottles had now to compete with a new class of tradesmen who had lately risen up, and were known by the title of "Dealers in old bottles." The competition was quite enough with these dealers, without exposing the manufacturers to a further competition with foreigners. The article of kelp was material in the manufacture of bottles; and at present there was so high a duty upon this commodity, that the bottle manufacturers were obliged to make use of Scotch kelp, which was of a very inferior nature. He highly approved of the abolition of the duty upon the transfer of the property in ships.

Mr. *Baring* expressed his satisfaction at the adoption, by his majesty's government, of the leading principles of that commercial system of policy which they now professed to support. He was aware that such great changes could not be effected, without materially affecting existing private interests; but, this must always occur when they were returning to sound principles. A peculiar service, as it was called, to one interest, led to the same benefit to another; until the whole system became at length artificial and injurious to the general mass. What he most approved in the right hon. gentleman's proposed alteration was, that it went upon general principles, without

regarding private interests. Individuals would, of course, oppose whatever they thought interfered with their own particular views: for instance, they had already heard claims put in for specific exemption on the part of several manufacturers. An hon. and gallant officer had touched upon the copper trade, as being unfairly affected in comparison with others. Upon this allusion, all he should at present say was, that so far from thinking, that copper had been unfairly pressed upon, and particularly in comparison with iron, he really thought that the cornish miners had been knocking at the door of the Treasury, and had succeeded in securing for themselves an equal advantage. The hon. and gallant officer was mistaken, when he supposed that copper did not enter as generally as other metals into the manufactures of the country; in fact, it did more at present, when they considered how essential an article it was in the construction of that greatest of all instruments now in operation—the steam-engine. With respect to the great question of the corn laws, he was not prepared to say much at present. Indeed, nothing under the existing circumstances, would tempt him to touch that subject at the present moment, without examining closely the effect of any change; for, after all, they must consider that, in a time of peace, other countries had the same opportunities which Great Britain had, of acquiring and improving skill and labour; and the time would no doubt arrive, when the development of such general improvement would call for a full examination of the corn laws. This was not the time for entering into the general principles of political economy; but he could not help expressing his opinion, however it might differ from that of jurists in the study, that the low price of labour was not a conclusive criterion of the capability of a country for manufacture. If it were required of him to mention any instance, in proof of this assertion, he only need refer to Ireland; where, owing to the state of anarchy and discontent into which the country had been continued by the measures of government, the price of labour was reduced to almost nothing; and, scarcely any trade was flourishing, or even prosperous, in that country. Whilst upon this subject, he might be excused for observing, that nothing more was necessary than a reform of the government in that island, to enable her to equal any other country, in the quality of her manufactures, and in the extent of her trade. It was the nature of peace to raise skill and capital in every country. If proof were wanting of the truth of this dictum, it was only necessary to refer to Holland.—It must strike every reflecting mind, and he was convinced that the right hon. gentleman had felt it deeply, that the measures of government now before the House were totally at variance with the principles which the government had pursued respecting the corn laws. It was not his wish to go into the subject of those laws at the present moment, but all parties, whatever might be their prejudices, their passions, or their interests, agreed that the subject was of a paramount importance, and that the time must come, and come very shortly, when the subject would force itself upon the attention of the House. The government now felt, however silent they might be upon the subject, that it was absolutely necessary that the corn laws should be minutely inquired into. Those laws pressed most heavily upon the country, and injured it in its manufactures, commerce, and foreign relations. It had been a question, whether any considerable quantity of manufactured goods would come into this country from the arrangements proposed by his majesty's government. In order to make the experiment, the silk trade had been selected; but gentlemen had gone a little too far in saying that any great quantities of foreign silk had been imported into England. He was convinced that little or no manufactured foreign silk had been introduced lately into England. The raw material had been imported; but very little of manufactured goods had found their way into this country, in consequence of the new policy adopted by ministers. For his part, he wished to see the principles of free trade established; and he should be glad, if the trade between England and all countries was thrown open. Great Britain, as the principal commercial country of the world, ought to set the example of free trade to other nations. The philosophy of trade was now well understood by many classes in this country; and he should be happy to see the enlarged principles of commerce disseminated amongst other nations. He was one of those political economists, who looked upon a reciprocity of advantages as the only true source of commercial prosperity to any country.

With respect to the Levant Company, he was glad to hear the opinions of the right hon. gentleman upon the subject, for he was persuaded that the company was an establishment very objectionable, and did great mischief. He did not mean to say, that the affairs of the company were badly conducted, but from the very nature of the institution it was mischievous and prejudicial. One of the laws of that company was, that none but their own members could traffic to the Levant. At Smyrna an English merchant could not deal with any other subject, unless he was a member of the same company. The Russia Company was also a very great obstruction to trade, and a source of great fraud and perjury. By the laws of that company, no member could trade with those who were not also members, or if the goods were not the property of members of the company. With respect to the new commercial regulations generally, he reprobated the opposition to them upon the grounds of individual interest. In all extensive measures, some individual concessions must be made; and it was now felt by every body that it was essential that trade should be put upon its right footing. The present measures were acknowledged to be only experimental, and were of course subject to revision.

Mr. *Littleton* stated, that, in his opinion, the measures now proposed by the administration were calculated to excite throughout the country the highest degree of apprehension and alarm. As the representative of a manufacturing country, he thought it his duty to deliver his sentiments to the House. The member for Newcastle had thought proper to stand forward as the representative of the "Second-hand bottle trade," and a gallant officer had advanced as the champion of the Cornish miners. He would, therefore, profess himself the representative of a set of miners of a very different description. The manufacturers of Staffordshire were likely to feel themselves seriously affected by the changes proposed, with reference to foreign earthenware and china. The proposed reduction upon iron was directed against the makers of charcoal and coke iron. But, with respect to the proposed reduction of duty upon earthenware and china, the British trade did not enjoy a fair competition with the trade of any part of the world. Under the protection of a high duty upon foreign importations, a trade had sprung up in England, which otherwise would not have had an existence. He alluded to the manufacture of ornamental china. The French possessed a superior clay to any that we could produce, and their ornamental painting, was extremely cheap; it was, therefore, impossible for the British manufacturers, to compete with the manufacturers of France, if the protecting duty were to be fixed as low as 25 per cent. With respect to the wine trade, if the reduction of duty on French wines did not engender a corresponding liberality on the part of the French government, he trusted that the duties upon French wines would be again increased.

The *Chancellor of the Exchequer* observed, that the duties now proposed to be removed had never been imposed as protecting duties, but had been resorted to in order to meet the expenses of the period. The duty upon copper had been imposed upon this principle in the year 1808, and the object now was, to reduce the duty to what it had been before that period. He felt convinced, that as soon as the present measures were in operation, and the copper trade was brought back to the same duties that existed prior to 1808, the Cornish proprietors, so far from finding the value of their property diminished, would perceive that the increased activity of the trade would set all their engines at work, and give full scope to the advantageous use of their skill and capital.

Mr. *Tremayne* took notice of the different augmentations of the duty on foreign copper in 1808 and again in 1811. These augmentations were made by way of protection to English copper. He would not have any great objection to the proposition of the right hon. gentleman, if he rested at the reduction which he now contemplated; but he could collect from the right hon. gentleman, that he might make another attack in the ensuing year. The people engaged in the Cornwall copper mines could have no prospect of further existence, if they were obliged to enter into competition with the Chilian and other South American mines. He knew, from accurate calculations, that in the five years from 1800 to 1805, the money expended in working the Cornish mines, exceeded the money received for the produce by 119,000*l.* The balance was now more against the mining interest than it was even in 1805. He recommended to the right hon. gentleman to proceed with caution.

Mr. *T. Wilson* approved of the principle, but thought it would be advisable to begin the reduction of duties at a higher point, and come down by degrees.

Mr. *Cripps* adverted to the proposed reduction of the duty on imported wool, and said that 15 per cent appeared to him to be a monstrous reduction of that duty. The consequence would be, that foreign cloth would compete with English cloth, and large quantities of the former be imported into this country. He concurred with the hon. member for London, in regretting that the right hon. gentleman did not begin his reductions on a higher scale. Afterwards he might come down as low as circumstances would admit. If the right hon. gentleman proposed to make the duty at 20 per cent, even then there would be an importation of foreign cloth. He would suggest to the right hon. gentleman, whether he ought not to begin by making the duty even higher than 20 per cent.

Mr. *Lindsay* said, he felt called upon to support the interests of the Scotch manufactures. His constituents had been seriously alarmed last year at the reduction of the bounty on linens; and of course the present measure was calculated to excite increased alarm. He hoped the chancellor of the Exchequer would wait until he saw the effect of the reduction of the duty on foreign silks, before he established the proposed reduction; or if the right hon. gentleman did repeal the protecting duty on linen, he hoped he would remove the duties upon the importation of hemp and flax.

Sir *R. Fergusson* was of opinion, that all prohibitory duties ought to be removed as soon as possible; but some caution should be used with respect to the article of linens, particularly those of a coarser quality; otherwise the German and New Orleans markets would undersell us in every market. If the chancellor of the Exchequer felt it right to repeal the protecting duty, he hoped he would also reduce the duty on the importation of hemp, in the same proportion with the reduction on flax. There was one article of manufacture, namely, that of cotton bagging, which would be materially benefitted by such a reduction, as then the coarser parts of hemp might be worked up with the coarser parts of flax, in the production of that commodity.

Sir *Henry Parnell*, so far as the linen manufacture of Ireland was concerned, saw no reason to think that a duty of 25 per cent would be attended with any injury to it: on the contrary, he believed the duty might be reduced much lower; and he was sure the interests of the public in general required that it should be lower. He thought the right hon. gentleman had too much consulted fears and prejudices on this part of his case; and he could not understand how he could justify imposing a higher duty on linens than upon woollens, for certainly the woollen trade was much more exposed to be interfered with by foreigners, than the linen trade was. Those gentlemen who had preceded him in this debate, seemed not to estimate correctly, the influence of a duty of 25 or 30 per cent, in keeping out foreign competition. He considered such duties as being, in point of fact, prohibitory duties. That this was evident, was proved by the case of Ireland, between which country and England, the commercial and manufacturing intercourse was almost annihilated by the Union duties, which were only to the amount of 10 per cent. The taking off of these duties had been followed by the instantaneous extension of communication and all the benefits of a free trade. These high duties, therefore, which the right hon. gentleman proposed to maintain on many branches of manufacture, were wholly inconsistent with his own principles, and would prevent that state of communication and competition with foreign countries which he very properly owned it was his intention to secure. He approved of the course intended to be pursued in regard to the duty on foreign wool; but he would strongly press it upon the right hon. gentleman to apply the same reduction of duty to wool exported from these countries. It was of very great importance to open to Ireland a foreign demand for wool. Much of the soil of that country was peculiarly adapted to the growth of wool; and if any change was to be made in the corn laws, nothing would so much contribute to induce the Irish landed interest to accede to such a change, as their having a new market for the sale of their wool.—He would now make some observations on the general question of opening trades. It appeared to him, that the debate ought not to close without some member saying a few words in behalf of the consumers of manufactured goods. Each branch of manufacture had been advocated by one or more members, each

of whom had required the rate of duty t be kept so high, as to prevent the foreigner from competing with our ow manufactures. But, the House shoul bear it in mind, that just in proportion a the duty prevented foreign competition and introduced monopoly, the price o manufactured goods was raised upon th consumer; and, what was also greatly t his prejudice, the making of an inferio quality of goods was always the inevitabl consequence of this system of protection and monopoly. For these reasons, he hoped the right hon. gentleman would not giv way to the remonstrances of particula trades, but act upon the broad principl of doing what was right to be done, and best to be done, for the great body of the people, who were the consumers of manufactures. While so many gentlemen professed to act on general principles, he feared that few had completely examined the grounds on which those principles were of value, as the rule of legislation. This was, in point of fact, quite evident from the arguments that were used, first in favour of one trade, and then of another. Gentlemen argued as if some great public calamity was to befal the whole country if any one branch of trade were at all affected by foreign competition; but, so far from such an event being at all injurious to the public it could not happen without being of advantage to it. For, if the capital was driven out of such a trade, that capital would not only to a certainty find employment, but it would necessarily be employed to more advantage in some new trade, than it was in the old one, while profit was secured upon it only by the influence of a protecting duty. These arguments led to a belief that those who used them imagined that if capital was displaced it was altogether lost. But, nothing could be more futile than such a notion; for whatever amount of capital might be displaced in consequence of free trade, from particular trades, it would immediately be employed in creating new productions, which would tend to new consumption, and thus make the mass of industry and wealth just as great after the displacing of this capital as it was before. The value of general principles, if gentlemen would examine into it, would be found to consist in this—that it went to secure that system of legislation which would allow the capital of the country to create the greatest possible quantity of productions, and with them the greatest occupation for industry, and the greatest extent of accumulation of new capital. Every deviation from general principle went directly to diminish productions in duties and capital, because nothing was more true, than that the leading of capital into particular employments by force of duties and restrictions, has the effect of making the quantity of productions less than it would have been, had no interference with capital existed. These were the reasons and principles which alone ought to govern the conduct of parliament, in dealing with the various branches of manufactures; and he sincerely hoped they would be strictly adhered to by the right hon. gentleman. In respect to a gradual reduction of the protecting duties, he was disposed to approve of that principle; but not in the sense of the hon. member for the city of London. He would take the duties proposed by the right hon. gentleman, as the duties from which a gradual reduction should be made; and he would reduce the whole of them from year to year, so that in a few years the whole trade of the country should be free from every thing like a protecting duty. While the principle of keeping the duty so high, as to prevent foreign competition, must keep up prices, lead to the making of inferior goods, and uphold smuggling. The right hon. gentleman ought not, therefore, to stop in his career, and be satisfied with the carrying the measure he had now proposed; but should go much further, and give the country really and substantially the whole benefit of a perfectly free system of trade.

Mr. *C. Grant* thought the House must perceive the gradually rising benefits to be derived from the removal of our restrictive system. One great object to be gained by it, was the influence which our policy had upon foreign nations. We had grown to be the first commercial country in the world, even under our restrictive system; and to that system did foreign nations impute our wealth and aggrandizement. So strongly, indeed, were they impressed with this feeling, that they maintained that we were not sincere in our present policy. That it was our interest to pursue our present policy was, however, self-evident. He would take the article of copper; which had been alluded to in the course of the debate. There were 10,000 tons of copper produced annually in England; of which quantity upwards of 6,000 tons were ex-

ported, in one manufactured form or another. If we continued the present restrictions, it was more than probable that we should drive those who now dealt with us to seek that article in other countries, Considerable alarm had been entertained by every branch of our trade or commerce, which was affected by the measures of his right hon. friend; but how falsely, the results had already proved. Let the committee look to what had taken place in the Spitalfields trade. It was thought that the recent measures would have brought misery and distress upon the manufacturers in that branch; but, the fact was, that they were to a man, at that moment, in full work and operation. With respect to our corn laws, he could not see why that branch of our commerce should be placed on a different footing from any other. This was his opinion; and he felt that the truth and justice of the cause was daily gaining ground, and commanding the reluctant assent of those who had hitherto been opposed to it. He entertained no doubt that, in a short time, it would be as generally supported as it had, at a previous period, been obstinately opposed [hear, hear!].

Sir *H. Vivian* observed, that if an importation of copper from South America was allowed, it would have the effect of shutting up some of the principal mines of Cornwall. It was a fact, that copper could not be produced in Cornwall with a profit, unless it brought 100*l.* per ton. It was important to weigh this well, since one-fourth of the population of that county were employed in working the mines. Too great caution could not be used in interfering with the present duties. Adverting to the proposed duty on French books, he observed, that a similar caution ought to be exercised. If the present duties were removed, all copyright in this country would be done away with. At present, French and German editions of our popular northern novels, might be had in France or Germany much under the price at which they could be sold in England. These and many other English works might be had at Galignani's, in Paris, at a greatly reduced charge.

Mr. *Huskisson* said, he was anxious to set himself right with the hon. member as to his intention with respect to the reduction of the duty on foreign books. The hon. member must be aware, that the copyright act gave full protection to such works as those given to the world by the "Great Unknown;" and, indeed, to all who thought proper to avail themselves of the protection of that act. He was aware that those works were printed both in France and Germany; but, if it could be shewn that any one copy of those works published abroad was sold here, the person selling it was liable to an action for damages. With respect to the books of which there was no copyright, he could see no reason why a monopoly should be allowed here, or why the people of England, who wished to read such books, should not be allowed to purchase them at the cheapest rate. He would offer one word, upon what had been said with respect to the repeal of the duties on foreign copper. He had formerly stated, that in case the duty of 27*l.* per ton on copper should be found so high as to raise the price of that article in this country to an extravagant degree, he should feel himself at liberty, acting upon the principle which he had already laid down, to reduce that duty still lower. He did not believe that such would be the effect of the proposed reduction. But, in order to set himself right with the committee, he would add, that his only object was, to protect the miner on the one hand, while on the other he took care that the interests of the country should be attended to, by allowing the importation of copper to take place when the increased price at home required it.

Mr. *Evans* said, that the manufactures of the best kind of iron might be injured by the proposed alteration; but theirs was the smallest part of the trade, and their works could easily be applied to the manufacture of inferior kinds of iron. On the whole, the change intended would be an enormous advantage to the country.

Mr. *Benett* trusted that government would have no objection to equalize the duties on the export and import of wool, and that the duty on the export of yarn would be lowered in the same proportion. With regard to the corn laws, all that the landed interest had to take care was, that the duty on the import of grain was equal to the difference between the expense of producing it in this country and abroad. It would be difficult to ascertain what would be the proper degree of protection.

Mr. *Hume* was anxious to ascertain if it was proposed to make any alteration in the timber duties. He thought it was a proper time to reduce the high duties on Baltic timber. When it was first put on, the intention was, to give a boon to the

Canada trade; but, as far as he could understand, there existed no longer any good reasons for its continuance. There was only one topic he had now to notice; and that was the numerous articles of import, such as gloves, to which a duty of 30 per cent was to be affixed, by the new regulation. Now, he had not the least doubt but that scale of duty would only increase smuggling, instead of abating it; as any of those articles could be now brought into the country at an insurance against seizure of 20 per cent. On the subject of the corn laws, he must say, that highly beneficial as the discussion of that night must be, and important and valuable as the alterations of duty were, that had been already proposed, all that had been done would be as nothing to the people of England, compared with a careful and proper revision of the corn laws. He did hope, therefore, that his majesty's government would forthwith take into their consideration, the important benefit to be derived by the public, from an effectually changed system in this particular. As to the amount of the duty that ought to be settled, he, for one, would declare that, provided only the legislature would establish some sound and proper principle on this most important question, he cared not whether it should be a duty of 10*s*. of 15*s*. or of 20*s*. per quarter. Being once in the right path, they would soon come to the proper scale of duty.

Mr. *Huskisson* begged to remind the House, that he had not said one word that night on the subject to which the hon. gentleman had just alluded; and he did not intend to do so. As to what had been said by the hon. member for Wiltshire, he thought there would be no objection to enter into some such arrangement respecting the duty on wool as the hon. gentleman proposed. About altering the duty on yarn, however, he should certainly feel considerable difficulty; for yarns, under the present duty, went out of the country to a large amount. As to the iron trade, which another member had spoken about, the fact was, that the present duty on old iron was 17*s*. 6*d*. per ton. This sort of iron was that which, in the trade, was known by the designation of scrap iron, and the duty in question he should propose to reduce to 12*s*. a ton. If he were to make too great a difference between the duties on the two sorts of iron, there would be an endeavour to bring all the species under the operation of the duty affecting this inferior description. With regard to the timber trade, he was surprised that the hon. gentleman, who had the other night presented a strong petition to the House in favour of the reduction of the duty on Cape wines, on the ground of their being the production of one of our own colonies, should now argue, in fact, against the protection afforded to the timber-trade of Canada. He must recollect, that Canadian timber, considering that it grew in one of our own colonies, and was transported in our own ships, was a most valuable trade to Great Britain: and as a further argument, why the existing duties on other timber should not be further reduced, he would just observe, that there was no trade which, by reason of increased demand, had lately attained a more improved and prosperous condition, than the trade in Baltic timber, The Board of Trade would shortly, he hoped, be able to consider the proper steps to be taken for equalizing the duties on timber; which, he believed, would be the same as those that were now pursued in Ireland, where the mode of estimating such duties was by tale, instead of by estimation of the quantity of timber contained in any given number of planks. In conclusion, he begged to repeat, that he could not accede to the suggestion of the hon. member for Montrose; inasmuch as no trade was more flourishing at present than the rival trade (as, with respect to Canada, it might be called) of Baltic timber.

The resolutions were agreed to.

DISSENTERS' MARRIAGES BILL.] Mr. *W. Smith* said, he should not feel it necessary to enter at length upon the subject of the bill of which he now proposed the second reading. The parties, on whose behalf he submitted that motion, were the Unitarian Dissenters of this country, who entertained no objection to the prevailing form of marriage in the established church, other than that which regarded the introduction of language, that expressed certain sentiments to which they could not conscientiously agree. All they asked was, to be relieved from the necessity of repeating a certain form of language which invoked the names of the Trinity. He conceived that he was justified in expecting that the second reading of this bill would not be objected to. It had been the anxious desire of himself, and of those who were connected with him, so to frame

this bill, as to avoid injuring the feelings of any other class of his majesty's subjects. The bill was almost, in all respects, the same which, being introduced by him about three years ago into that House, had received so respectable a sanction. The Unitarians were only desirous of satisfying their own scruples. He might add, that the bill for the better prevention of clandestine marriages, passed in the reign of Geo. II, was not passed, as had been erroneously supposed, on any religious grounds, but simply with the view of preventing such marriages.

Mr. *Robertson* expressed himself strongly opposed to the measure. He thought that the church of England was essential to the safety of the throne of England. Pull down the one, and the other could not stand. The safety of such establishments ought not to be endangered, in order to satisfy the scruples of a small minority of dissentients from the established church. If parliament gave this sort of relief to one set of men, they must to another: and similar dispensations must be conceded to every class of Dissenters in the kingdom. The hon. gentleman, after expressing his wish to see the supremacy in religious affairs in the Protestant established church, entered into a short historical review of the mischievous effects that had, at different times, ensued to states, in his opinion, from connexions of Presbyterians, Puritans, and Unitarians. To the Unitarians, however, he must deny the title they so absurdly assumed, of "Christians"—dissenting Christians. They might be much more properly denominated Mahometans, whom they much more nearly resembled. The hon. gentleman then proceeded to draw the attention of the House to the conduct of the Puritans in the time of Charles I. Their authority commenced with small beginnings; but, in a short time, they became a most formidable body. Buckingham thought it necessary to court their power; but they soon became the masters of Buckingham, and the arbiters of the fate of their sovereign. They got the reins of government into their own hands; and, what the consequences were, every person conversant with the history of the country must know perfectly well. Therefore, he contended, that Parliament ought to watch narrowly what they granted to the parties now before them, lest they should be induced to take too much upon themselves. He admitted that those principles of Puritanism did not now appear in so strong and decided a point of view as they had done at the period to which he had adverted. They appeared, at present, to be softened down and moderated. But the House ought never to lose sight of the fact, that it was Puritanism which induced the Scotch to sell their king, and which led the English afterwards to butcher him. From a firm conviction, that great mischief would arise, if the concession called for were granted to those by whom it was demanded, he would oppose the bill.

Dr. *Lushington* said, there was one assertion of the hon. gentleman who had just sat down, in which he was perfectly prepared to concur. The hon. gentleman had said, that he was not allied to the church of England; and in that fact he implicitly believed. The church of England, though much misrepresented by its enemies, never attempted to prevent those whose religious opinions were of a different description, from a full and free exercise of the tenets in which they had been educated. In the present instance, the relief which the dissenters sought for, was not attempted to be violently wrested from the church of England, but was called for as a concession which should, in justice, be received at her hands. The arguments which were adduced against this bill appeared to him to be most untenable. The discussion which had taken place in that and in the other House, proved the fact. What said the Unitarian dissenters? They declared, that they could not agree with the marriage ceremony, as solemnized in the church of England, because it militated against their ideas of religious freedom; because it was at variance with their religious sentiments. What had some of the most respected prelates of the established church said on this subject? The bishops of London, Llandaff, and Exeter, had said, "We will not take on ourselves to judge whether your scruples are well or ill-founded—we will not go into the examination of the marriage service—we will not go into the grounds on which your opinion is founded. It would be useless for us to proceed with such an examination, because we know that, in all matters of religious belief, the conscience of the individual must alone be looked to, by that conscientious feeling alone can he decide, whether this or that system is the best calculated to reconcile him to the God whom he worships." Such a feeling, such

a principle as this, had nothing whatever to do with matters of trade and commerce, which the hon. gentleman had so strangely mixed up with the question under consideration. He had no desire to detain the House, but he could not avoid reading the opinions given by three of the Archbishops, and several of the bishops of Ireland, in 1782, when a bill was brought in for the purpose of allowing dissenters to be married by ministers of their own persuasion. They dissented from that bill, with reference to some of its points; but, with respect to its principles, they entirely concurred. "We are," they said, "willing to pass a bill rendering all marriage contracts or marriages hereafter to be entered into between Protestant Dissenters, and solemnized by Protestant Dissenting ministers, or persons approved of by the congregation, as good and valid, to all intents and purposes, as marriages would be if performed by ministers of the established church;" and then they stated the grounds of objection which they had to some of the clauses in this particular bill. Now, it should be observed, that this qualified protest, in which the principle was admitted, though some of the details of the measure were objected to, was drawn up by individuals who held the highest situations in the established church. Those reverend prelates felt it to be no degradation to the established church; they thought it in no way militated against the principles on which that church was founded, to make large allowances in a matter of such great importance. They felt that the right of marriage was intimately connected with the principle of toleration itself; they felt, that, without the admission of that right, according to the conscientious scruples of individuals, the principle of toleration could not exist; and therefore they were willing to go a great way, for the purpose of meeting the feelings of the dissenters. This was a right very different from that of sitting in parliament; very different from various civil rights, to the attainment of which certain forms were by law necessary. The right of marriage was a natural right. Individuals ought to be allowed to enter into the state of marriage, in that way which best accorded with their sense of moral and religious feeling. If that privilege were denied to them, then religious toleration was withheld from them. Then came the question, whether the plan now proposed was not the best mode of admitting that right, without infringing on the rights of the established church? As the business at present stood, there were but two ways in which the marriage of dissenters could be performed, without wounding their religious scruples. The one was, to alter the liturgy of the church of England; the other, to suffer the dissenters to be married by their own pastors. The first course would, he was sure, be at variance with the feelings of the clergy of the established church; and certainly, in his opinion, their feelings ought to be attended to. If a measure appeared to militate against their feelings, or to be opposed to their rights, it would be inconsistent with good policy, and with justice, to press it forward. But, even if the liturgy were altered, new sects of dissenters might arise; new regulations might be called for; and it would be beyond the power of human wisdom to propose any form of marriage, to meet all the diversities of religious opinion. Some bodies of dissenters were adverse to the solemnization of the marriage ceremony by any clergyman at all; and therefore it was clear, that no alteration in the liturgy would produce an unanimity of feeling. This was a most important subject, and one to which he had paid much attention. Long after the establishment of Christianity, marriage was not considered a religious rite. It became a religious rite, under the pontificate of Pope Innocent; but, even in places on the continent where marriage was held to be a sacrament, it was not deemed necessary that marriage should be celebrated in a church at all. Nor was it the case here, until lord Hardwicke's act, which was passed for the protection of property. By taking the course pointed out by this bill, the dissenters, on the one hand, would not be compelled to violate their religious scruples; and, on the other, interests of the Church would not be invaded. By allowing marriages to be solemnized in the way proposed, all bickering, would be put an end to. But, he would ask, could it strengthen the interests of piety—could it render religious feelings more ardent; could it add to the interests of morality, to bring individuals before the altar, for the purpose of performing an important duty, when they did not believe in certain tenets held by that church? Why should any human being be called on to state, with his mouth, his belief of that which he abhorred in his heart? He thought nothing could be more disgrace-

ful than the scenes which had taken place at the marriages of Unitarians, when protests were tendered to the officiating clergyman. Nothing, in his mind, could be more injurious to the Church than the performance of the marriage ceremony, coupled with the presentation of a protest against the forms to which the protesting parties were obliged to submit. Could any thing be more repugnant to feeling, than one of those scenes, where the clergyman was told to his face, "We are compelled to come here. Unless we are guilty of a breach of our conscientious feelings, we cannot enter into this contract as you would wish us. We therefore protest against this proceeding." But, though they had made very severe laws on the subject of marriage, yet a strange anomaly was suffered to exist. In this country, a couple had only to cross the Tweed, and throw themselves on the mercy of a blacksmith, and, the ceremony being performed, the husband might come back and claim all the rights, privileges, benefits, and advantages which would result from the most solemn marriage in this country. This showed that it was the true principle of the law of England and of the constitution, not to compel parties to submit to ceremonies which were revolting to their religious principles and feelings. He did not mean to uphold all the details of this bill. It contained two points that ought to be most guardedly examined. One of these was, that it should not be made subsidiary to the performance of clandestine marriages; and next, that the provisions of the bill should not interfere with the privileges and interests of the established clergy. He would, as the bill intended, suffer dissenters to be married by licence; but he would recommend the adoption of proper measures to prevent the celebration of clandestine marriages. The subject of registration was one of the greatest importance. He had heard it said, that the established clergy objected to the mode in which it was proposed that those marriages should be registered. If this was the case, he would alter that part of the bill, and give the clergy no real cause of offence. He begged leave to make one concluding observation. He wished that the subject of the marriage law in general should receive the most serious consideration; because, the period was fast arriving, when, if they did not new model it in some respects, the most lamentable inconvenience would be experienced. He had turned his attention, it would at once be perceived, to the marriage law in Ireland, which loudly called for revision; and though the suggestions which he had, at different times, thrown out on this subject might be repulsive to the feelings of many whose opinions he wished to conciliate, still he felt that, ultimately, the subject must be considered; and he believed those suggestions must be acted on. Such was the state of the marriage law in that country, that it appeared to him necessary that some civil form should be adopted, by which marriage might be contracted; and, after that form had been gone through, such religious rites or ceremonies might be introduced, as were consistent with the faith of the parties contracted.

Mr. Secretary *Peel* said, that as the present bill was a measure, the object of which was, to give relief to tender consciences, he thought every opportunity should be afforded for solving or removing any difficulties connected with it. He therefore would agree to its going into a committee, where the hon. mover would have full scope for meeting those objections which might be urged against it. He admitted, that the right of marriage stood on very different grounds from the right of holding certain civil offices, or of obtaining certain civil privileges, to which allusion had been made. He was sorry that the scruples, to meet which this bill was brought in, existed at present. For forty or fifty years, the dissenters had not objected to that mode of solemnizing marriage, against which they now protested; and he was concerned that they were not still prepared to accede to the system which had so long continued. They had, however, preferred their claims for an alteration in the mode of solemnizing marriages; and those claims should be seriously considered. Last session, they were told, that a scruple existed in the minds of a class of dissenters against taking of an oath: but, who could tell what was the extent of that scruple, except the individual who felt it? Could any one tell how far scruples might extend—how far doubts might proceed—with reference to other sects? How, then, were they to legislate so as to give satisfaction to all? The learned gentleman wished the House to go at present as far as this bill went; but he had observed, that if this bill were carried, it would be followed by various others, to embrace every species of scru-

ple which might be felt by the dissenters. Now, it would be more satisfactory to know clearly the extent to which it was intended that this measure should be urged. In point of fact, the learned gentleman ough not to vote for this bill at all; because on his showing, it would not give relief to the Unitarians. The learned gentleman had said, that many of them had objected to going before a clergyman at all. If so he must contend, that at least to these Unitarians the bill afforded no relief whatever. If every man in society were allowed to select the individual by whom he shoul be married, the marriage vow, he was quite sure, would not be observed with that sanctity with which it was observed at present. The Quakers and Jews were allowed to marry according to their own rites. The present bill, however, did not place the Unitarians on a level with the Jews and Quakers. No: according to this measure, the Unitarian marriages were to be registered in the church of England. Now, the Jews and Quakers had nothing to do with the church of England; their marriages were solemnized according to their own forms, and were registered in their own peculiar way. It was proposed to suffer these Unitarian marriages to be performed under licence. But here a considerable difficulty arose. If he could give relief to sincere Unitarians, without incurring considerable danger, he would readily do so. If he could easily recognize such Unitarians, his difficulty would be at an end: but, pretended religious scruples might be professed, for the purpose of evading the law of the land; and the chance of such occurrences ought to be carefully guarded against. The Jew and the Quaker could be easily discerned by their garb, and their manners. The moment they were seen they were known. They could not practise deceit with any hope of success. But, if a stolen match were intended between a Protestant and an Unitarian, for the purpose of securing a property, it would be difficult, from the garb or manner of either, to discover that any clandestine proceeding was contemplated. It was also provided by this bill, that bans should be proclaimed in the Unitarian chapel and the Protestant church. But, a Protestant parent was not likely to attend a Unitarian chapel; neither was it probable that a Unitarian parent would attend a Protestant church, How, then, could any system of collusion be discovered? If they passed this bill, they certainly would not have the same check on improper marriages as they had at present. With respect to the question of registration, it was proper to observe the mode in which the Jews and Quakers proceeded. They proved their marriage in the ordinary way; and if that marriage appeared to be valid, according to their respective institutions, no further proceeding was necessary. But, with respect to the marriage of Unitarians, a registration was required by this bill. Now, certainly, the clergy of the church of England might feel sincere and conscientious scruples as to this registration. By this bill Unitarians might be married in their own chapels; but it was a positive injunction on the clergy of the church of England, to register those marriages in the church of England books. According to the doctrine of the church of England, marriage was not merely a civil, but a religious ceremony: it was denominated "holy matrimony:" and, by the present bill, the clergyman was called upon to enter in that book, which was appropriated to the insertion of entries relative to what the church of England viewed as a religious ceremony, the marriages of parties who denied the divinity of our Saviour. But, that entry was not to be originally made there. The original entry was placed in the Unitarian chapel. So that, if the party married wanted a copy of the entry from the church books, for any legal purpose—what did he receive? He received the copy of a copy. He did not get the best evidence that could be procured. Why not say, at once, that by law the church of England should have nothing to do with this registration? Why not declare, that the record of marriage should be furnished in a regular manner by the Unitarian body, to some proper office? He would not oppose the second reading of the bill; but he must observe, that while he could not coincide in all the opinions expressed by an hon. gentleman (Mr. Robertson), he respected that gentleman for the manly boldness with which he had delivered his sentiments. He did not entertain those fears, as to the safety of the church of England, which the hon. gentleman seemed to feel, in the event of this measure being agreed to. He, however, saw clearly enough the difficulties which were connected with the bill; and, after the intimation which had been given, that a number of measures were contemplated if this bill were carried, he hoped

that some distinct and intelligent principle would be laid down, to let the House understand the extent to which it was expected they would go.

Lord *George Cavendish* supported the bill, and thought that, in these enlightened times, there could be no objection to afford the relief sought for.

The bill was read a second time.

HOUSE OF COMMONS.

Monday, March 28.

CORN LAWS.] Mr. *Curwen* presented a petition from the merchants and dealers in corn, in the city of London, praying for a revision of the Corn Laws. He was no advocate for monopoly; but as he foresaw that the greatest inconveniences would arise from any unexpected opening of the ports, he concurred in the views of these petitioners, who urged the necessity of revising the corn laws, and prayed that the interests of the agriculturists in this country, might be secured, not by a high, but by a protecting duty of from 56*s*. to 60*s*. a quarter. They prayed, at the same time, that a moderate duty might be imposed on the importation of foreign corn, and suggested 20*s*. on wheat, 10*s*. on barley, and 8*s*. on oats. They were of opinion, however, that the corn now bonded ought to be let into the market free of duty. He trusted that the right hon. gentleman would direct his attention to this important subject.

Mr. *Ellice* said, that the two propositions of these petitioners seemed to be, that a duty of 20*s*. should be imposed on foreign wheat, and that their own corn, which was now in bond, should be admitted duty free. In neither of these propositions could he concur.

Mr. *Curwen* said, the hon. gentleman had no right to assume that these petitioners had any corn in bond.

Mr. *Huskisson* deprecated any discussion of a subject of such feverish interest on the occasion of presenting a petition. He was glad to hear that the hon. member for Cumberland, who was on the committee in 1821, and who was then one of the staunchest advocates of monopoly, had now somewhat relaxed in his opinions; and he hoped he would, during the recess, impress his present more enlightened views of the subject on that class of the community with which he was connected.

Mr. *Curteis* expressed his regret that this question had been mooted thus irregularly. He deprecated all these attacks upon the agricultural interests. It was hard that, having at length been suffered to breathe, they should not be left quiet for one instant.

Mr. *T. Wilson* said, that this was a great national question. The price of food was so mixed up with the other parts of the right hon. gentleman's new plans for the regulation of the trade of the country, the principle of which he approved of with some modifications, that he did not see how the question of corn could be left untouched.

Mr. *Baring* deprecated premature discussion upon a matter of so much importance. He was nevertheless decidedly of opinion, that the question of the corn laws ought to be set at rest. Better have any system—even a deficient one—permanently established, than a system exposed to eternal changes. He was no admirer of the corn laws, and had strenuously opposed them, but yet he thought that the question should be set at rest, and that the present system should be either confirmed or modified. The right hon. gentleman had recommended a postponement of discussion until the hon. member (Mr. Whitmore) brought forward his motion; but he regretted that that hon. member had put a notice on the subject upon the paper.

Sir *T. Lethbridge* wished to know, whether the hon. member who had given that notice counted upon the support of his majesty's ministers?

Mr. *Huskisson* could have no difficulty in saying, that the hon. member had used his own discretion, without having any communication or understanding with any member of his majesty's government. He had been charged with preferring to take the discussion of so important a question upon a motion, rather than a petition. To that opinion he still adhered. With respect to the time when the discussion was to be brought forward, he of course could not control any member; but, when the occasion presented itself, he should be ready to state his sentiments upon the measure.

Ordered to lie on the table.

ROMAN CATHOLIC CLAIMS—CATHOLIC CLERGY—ELECTIVE FRANCHISE.] Mr. *Spring Rice* rose, to present a petition from a great number of highly respectable Protestants in Ireland, possessing among them landed property to

the amount of at least 200,000*l*, a-year. These petitioners were chiefly individuals who had hitherto been amongst the most steady opposers of the Catholic claims. The result, however, of their further experience and observation upon the subject was, that they now came forward, declared their satisfaction that parliament had taken the disqualifications of the Roman Catholics of Ireland into consideration, and expressed their hope, that those disqualifications, which they were now convinced were most prejudicial to the peace and prosperity of Ireland, would be removed. In addition to this general declaration on the part of the petitioners, a further duty had been imposed upon him by some of the subscribers to the petition, who, while they were prepared to express their hearty concurrence in the expedience of the bill which had been already introduced into the House, instructed him to say, that the success of that bill would afford them greater satisfaction, if it were accompanied by two other measures; namely, a measure affecting the qualifications of forty-shilling freeholders in Ireland, and a measure to secure a provision for the Catholic clergy in Ireland. In these points he most heartily concurred with them; and, should such measures be introduced into that House, they should have all the support which he could possibly give them. He could not help flattering himself with the belief, that the circumstances of the present time were much more favourable to the success of the great question of Catholic emancipation, than they had ever been at any former period. The Catholic Association having been put an end to by parliament, an act of grace, such as the concession of the claims, would be received with feelings of peculiar satisfaction by the Catholics themselves. Many of the Catholic leaders had also been in this country; and a number of those who had hitherto been staunch opponents of the Catholic question had had an opportunity of conversing with them, and of weighing and examining their opinions and principles; and he was persuaded that he spoke but the truth when he said, that this intercourse had made a favourable impression on those who had been most hostile to the Catholic claims. The examination of the Catholic gentlemen in the committees, had likewise had a considerable effect in removing prejudice and inspiring confidence. One word more. If he could believe that what was called raising the qualification of the present forty-shilling freeholders could have the effect of checking the popular feeling of the country, or of diminishing the strength of popular principles among the peasantry and the small land-owners of Ireland, it should not have his concurrence. But it was because he knew (he did not say he believed, but knew) that it would be a most wise, salutary, and popular reform of the constituent body in Ireland, that he was determined to support it. Its tendency would be, to increase the control over the representative body, and to render that body more amenable to public opinion. This very measure, which those who were deficient in local knowledge maintained would trench upon popular right, he was convinced would materially strengthen it, excite dormant energies, and effect a most just, wise, and salutary improvement in the character of the constituent body without the doors of that House, and of the representative body within them.

Mr. *Littleton* expressed the satisfaction which he felt at the sentiments which had just fallen from the hon. gentleman, and took the present opportunity of giving notice that, as soon as the bill, which was already in the House, should have passed (for he had no doubt it would pass) the second reading, he would propose a measure for the regulation of the elective franchise in Ireland. Whether he should propose that measure in the shape of a separate bill, or of a clause in the bill now in progress through the House, was a question which he was not yet prepared to answer. But, in neither case would he make any proposition, the effect of which would be to trench on any existing privileges. It would be entirely prospective in its character, and would in no way touch the right of voting, where it was at present practically existing. He was not disposed at present to say to what amount of property he would recommend that the qualification for voting should be raised; but he conceived that it ought to be some sum not less than 5*l*. and not more than 10*l*. It was not because he himself thought that the concessions to the Catholics ought to be accompanied by any securities, that he intended to make this proposition. He had always held that Catholic emancipation would carry with it its own security. But, although he yielded to no man in his wish that the

benefits of the British constitution should be thrown open to all classes of his majesty's subjects without difficulty or hesitation, he felt bound to respect the conscientious scruples of those who required some securities, before they could satisfy their own minds as to the expediency of granting those benefits to his majesty's Catholic subjects; and he knew that there was a large proportion of the Protestant population of this country who considered some regulations respecting the elective franchise in Ireland, as an indispensable accompaniment to Catholic concession. Those also who best knew what was the state of society and property in Ireland, were of opinion, that few measures could be more conducive to the welfare, prosperity, and happiness of that country. He could not sit down without stating, that, in deciding on this step, he was not influenced by any of the parties who co-operated in the bill which had been introduced into the House. He was quite ignorant of what their opinion would be on the subject. He had had no communication whatever with any of them. Perhaps he owed an apology to his hon. friend, the member for Westminster, for not having, in the first instance, submitted his intention to him. He trusted, however, that his hon. friend would believe that his not having done so was not attributable to any want of courtesy, and that he was influenced by no other view, than the supposition that it might be satisfactory to his hon. friend to be able to say, that he had had no communication with him on the subject.

Mr. *M. A. Taylor* said, that as the hon. member for Staffordshire had not gone into any details, with respect to his proposed measure, it was not his intention to enter into any discussion on the subject. But, he begged leave to enter his protest, in the first instance, against the proposition, in order that he might not hereafter be charged with inconsistency respecting it. He asked pardon of the House for speaking for a moment of himself; but, having had the honour of a seat in parliament for nearly forty-three years, he had pledged himself to the maintenance of certain principles from which he should certainly not now depart. Many years ago, and at different times, he had expressed himself in favour of Catholic emancipation. For the bill in progress through the House he had voted; because the best friends of the peace and prosperity of England and Ireland thought it indispensable. But, what was the state of things now? He had never, until that moment, been told that, in order to procure Catholic emancipation, we must have a reform of the representation of Ireland, and must pay the Catholic clergy of Ireland out of the funds of England. To the proposition of paying the Catholic clergy he should have no objection; if means could be devised for doing so out of the funds of Ireland, and if the gentlemen of Ireland chose so to apply those means. But, after the number of years in which he had been employed in that House, in endeavouring to keep down the taxation of those who had sent him there, and to diminish their burthens, he did not understand being called upon to pay 240,000*l.* for Catholic emancipation as a kind of boon; when he had been all along told that it was so desirable a measure. With what face could he, who had for so many years laboured to reduce taxation, acquiesce in such a proposition? Although he was a strict Protestant, and a Church of England Protestant, he had dissented from the vote for giving money to build new churches; not because he did not wish to see new churches built, but because he thought the expense ought to be defrayed by the congregations, and not by the public at large. After such a proceeding, with what face could he consent to tax his constituents for the maintenance of the Irish Roman Catholic clergy? He never would do so; and, were he the only individual in the House hostile to such a proposition, he would persevere in his opposition to it. With respect to the other proposal, for interfering with the representation of Ireland, the nature of it was directly adverse to the principles which he had all his life been advocating. Was he not one of the Friends of the People in 1793? He had always been for extending, not for limiting the [illegible]ht of voting. If a forty-shilling qualification were considered as too small for an elector in Ireland, what was to prevent its being considered as too small for an elector in England? But, how would such a proposition be relished in this country? He thought himself as good a voter in the county of Durham as any man; and yet his qualification did not exceed 3*l.* Yet, such a proposition as that of the hon. member for Staffordshire would destroy all such qualifications. Look at many of our tenures. Look at

the practice of Knaresborough, where the burgesses voted with a wet seal. Was it not, indeed, the practice of all burgage tenures to vote with a wet seal? All these might as well be disturbed as the elective franchise of the forty-shilling freeholders in Ireland. He was extremely sorry at the introduction of this proposition. Had the bill gone on as it was going on, it must have triumphed in that House; and, after two or three sessions, the other House would have found it impossible any longer to withstand the general opinion in its favour. But, he would now tell the hon. member for Staffordshire that, if he meant success to Catholic emancipation (and he did not doubt that he earnestly wished it), he had taken the very worst course that could possibly be adopted for obtaining that object.

Sir *R. Shaw* was persuaded, that nothing was so likely to conciliate the minds of the Protestants of Ireland as the proposed alteration in the elective franchise, and provision for the Roman Catholic clergy. He had received a number of letters from Ireland, all concurring in the opinion that, if those two measures were agreed to, the opposition to the Catholic Emancipation bill would be nearly done away with.

Sir *J. Newport* said, he was anxious, on all occasions, to state fully and frankly his opinions upon the various questions that were brought before that House; and he was, of course, especially solicitous to do so with reference to that vitally important measure, notice of a proposition respecting which had just been given by the hon. member for Staffordshire. He felt peculiar anxiety on this subject, because he was convinced, in his own mind, that the hon. gentleman's proposition would tend materially to facilitate the progress of the measure of which he (sir J. N.) had been, for twenty-three years in that House, and forty years out of it, the unceasing advocate. If he had failed to convince the House, that he was warmly attached to the real freedom of election, and exceedingly desirous to maintain the substantial rights of the people, down to the lowest ranks in society, he had for many years been labouring in vain. But, when the hon. member for Durham said, that he believed the Catholic question would triumph in two or three sessions, without these injurious appendages, as he termed them, he who knew something more of Ireland than the hon. gentleman, begged leave to tell him, that the consequences of deferring the emancipation were not to be calculated. When the hon. gentleman talked of not burthening his constituents with 240,000*l.* a year for the purpose of providing for the Catholic clergy, he begged to ask him, if he should think it a better plan to pay three millions a year for soldiers? It was utterly impossible to believe, that so great a portion of the community could remain in a state of serious discontent, aggravated by various considerations, without giving occasion for large and continued expense. It was highly momentous that the question should undergo a speedy and a favourable decision. The present was, perhaps, the most fortunate period for such a decision, that could possibly occur. Parliament had a mass of evidence before them, to show the evils of the present system. They had before them the opinions of the Protestants of Ireland, as well as of the leaders of the Catholics. Let them, then, seize the golden opportunity. There was at present a concurrence of fortunate events, the continuance of which could not possibly be anticipated; and unless advantage was taken of them, to adopt means of permanently tranquillising Ireland, incalculable evils must be expected. With respect to the contemplated change in the elective franchise, he was bold to say, that whenever that subject came regularly under discussion, he should be able to prove, to the satisfaction of the most incredulous, that the elective franchise in the hands of many of those who now hold it in Ireland, so far from being a boon, was pregnant with the most injurious consequences. They were not free agents. They might be called freeholders, or free electors; but the term "free" was misapplied. They were driven, or dragged, to the hustings to do, not what they wished themselves, but what their superiors wished.

Mr. *Stuart Wortley* expressed his regret at what had fallen from the hon. member for Durham. He was in hopes that the proposition of his hon. friend the member for Staffordshire, would have met with unanimous support. He entreated his hon. friend, however, not to be deterred by any threatened opposition; for he believed in his conscience, that the House would pass the Emancipation bill, together with his hon. friend's pro-

position; and he trusted that a great majority would be found on that side of the question.

Sir *R. Wilson* observed, that when he voted for Catholic emancipation it was with a view of increasing, not of decreasing, the rights and privileges of the Catholics of Ireland. If any abuses existed in the representation of Ireland, let a committee be appointed to investigate them. To that extent he was quite ready to go. He was ready to correct all abuses—to make fallacious voters, if such there were, substantial. But further he could not go. He must continue to maintain the act of the 33rd of Geo. 3rd, by which the Catholics were permitted to enjoy the elective franchise. He would oppose all measures which contemplated any alteration, where the votes were bonâ fide registered.

Lord *John Russell* observed, that it was a point agreed on, that all fraudulent votes given for the election of county members in Ireland should be taken away. But was it not reasonable to inquire into the votes given in cities and corporations? If, however, the proposed measure would tend to carry the question of Catholic emancipation, his mouth was stopped; for, in order to preserve the peace and tranquillity of Ireland, he felt that it was necessary to pass that measure without delay. With respect to the other proposal, of tacking to this bill for emancipation, a clause for granting 240,000*l.* as a provision for the Catholic clergy, in the same way in which the government of France paid the Protestant clergy of that country, as he heard members for Ireland who knew the country, and who had well considered the measure, give their assent to it, he could not withhold his own. The sum was so small that he could not, well understand the construction of the mind of the man who would oppose so great a measure as Catholic emancipation on the grounds of such a trifle.

Sir *Francis Burdett* said, that he felt it incumbent on him to trouble the House with one or two observations. He would not go further than was strictly necessary. He fully concurred in all that had been said by the noble lord behind him. If the necessity of the case required it, he would be ready to support this proposed measure respecting the elective franchise, in order to carry that question of paramount importance, Catholic emancipation. As to the proposed stipend to the Catholic clergy, in the view of economy, the money required for that object would be so utterly trifling, that it would not balance the weight of a straw, in the conclusion of any rational mind, one way or the other. But, at all events, he was not implicated in the fate of these propositions. Catholic emancipation was the sole measure for which he was pledged; nor would he consent to mingle less significant details with that great question. At the same time, he was willing to make great sacrifices to obtain the emancipation of the Catholics, and should like to know upon what terms the government were ready to give it their support. He would take the opportunity of doing justice to a gentleman who had been much talked of, and in some degree misrepresented, both in that House and elsewhere. A right hon. gentleman (Mr. Tierney) had taken upon himself to deny, that any member of the Catholic delegation had been consulted, upon drawing up the bill which was now before the House. The facts were these, Mr. O'Connell had been examined before the committee, together with other gentlemen of the delegation, as persons the best qualified to furnish the committee with exact information upon the state of the public mind in Ireland, and on the safest mode to be resorted to for quieting the uneasy state of that country. Mr. O'Connell had been requested to draw up a rough sketch of a bill which his professional habits enabled him to do in a correct manner. Nor would it ever have entered his head that a bill so drawn, if deliberately revised and approved of by the committee, would, on that account only, be objected to. It did, however, form a ground of objection; and the draught was thrown aside. A bill was then prepared in exact conformity with one of the same nature, which had already passed the House; and this was neither framed by Mr. O'Connell, nor was he at all consulted about it. That gentleman's statement to the people of Ireland was perfectly consistent with the facts. He trusted, that the support which was due to the principle of this bill would be given to it, notwithstanding the qualifications with which it was proposed to accompany it; and that those qualifications would not be mixed with it in its immediate progress. It would be time enough for those who were friendly to the bill, to oppose the qualifications, when the question should be brought before the House.

Mr. Secretary *Peel* said, it was not his wish to provoke any discussion upon the question, but he wished the course he intended to take to be perfectly clear and well understood. He had no hesitation in stating that he could not accept of the two measures as a compromise. The proposed plans of disfranchising the forty-shilling voters, and of making a state provision for the clergy, would not induce him to relax his opposition to the pretensions of the Catholics. But, it was possible that his opinions upon the Catholic claims might be over-ruled, and then the question would be, what course he should pursue in endeavouring to modify future proceedings. Upon this his mind was not made up. In the present state of the question, he should declare that he could not accept of the proposed measures as a compromise for withdrawing his opposition to the Catholic claims.

Mr. *Tierney* said, that even if he were hostile to the two propositions, yet if it could be proved that they were likely to become the means of conciliation, and cause many persons to wave their opposition to the principle, that would strongly bias his mind towards their adoption. He reserved himself, however, for the proper opportunity of deciding upon them. He was determined to give the whole subject his most earnest consideration. He wished to add one word upon the case of a distinguished individual of the Catholic Association. He was happy to have the confirmation of the hon. baronet to an assertion which he had made on a previous night. The House had been advised by the right hon. Secretary opposite, to watch the bill narrowly in its progress through the committee, if it were to reach that stage; and the reason urged by the right hon. gentleman was, that the bill itself had been drawn by a gentleman who was one of the chief members of the Catholic Association. He had then stated to the House, that the fact must have been misrepresented to the right hon. gentleman, as his statement disagreed with the strict truth of the case. He could not see any great impropriety in the conduct of the committee in applying to the quarter from whence they were likely to procure the greatest abundance of information. For his own part, he had made it a rule to withhold from any communication with that body, because he wished to give an opinion which should be the result of his own unbiassed judgment upon the question. He by no means blamed those who took a different course, and who probably arrived by that means at much more valuable information than he himself could reach. He thought that the explanation which had just taken place was an act of bare justice to Mr. O'Connell.

Mr. *Brownlow* did not pledge himself to any particular line of conduct; but, from an extensive correspondence with those who had lived in constant hostility to emancipation, he was enabled to say that, in the event of that question being carried, it would materially lessen the general alarm, if it were accompanied with a provision for the Catholic clergy and a qualification of the franchise. Whether the Catholic question were carried or not, it was nothing more than a becoming measure to provide for the Catholic clergy, who, in the performance of the most numerous and arduous duties, might be said, almost without a figure, to be left to beg their bread. As to the question of elective franchise, he said, as heretofore, that it was miscalled a franchise when applied to the 40*s*. freeholders—that they were not freeholders—had no free choice—could exercise no freedom of election. A Catholic bishop had declared, that he had seen men with the appearance of mendicants going to register their votes, though there was nothing like a qualification in their leases. They were compelled to go, or they must look for the severest consequences. A most respectable witness, Mr. Blake, had stated, that emancipation would be incomplete, if not accompanied with a provision for the Catholic clergy, and an increase of the qualification in the elective franchise. Freedom of choice these electors had none. Their bodies were threatened by their landlords—their minds were in spiritual danger, if they did not vote according as they were dire cted.

Mr. *C. Grant* said, he apprehended, that few persons had ever considered the affairs of Ireland seriously, with whatever view, without wishing for a remedy to two evils—the want of provision for the Catholic clergy, and the abuse of the elective franchise by the 40*s*. freeholds. As to the priesthood, they merited, for their services in assuaging the disorders of the country, more than any sum which could be voted to them; and, if the qualification of the elective franchise would conciliate opposition to the measures of

emancipation, he would cheerfully acquiesce in it, for the sake of uniting so large a portion of the population in a stricter bond of union.

Mr. *Dawson* did not see how the Protestants were to be conciliated by taking away their elective franchise, with a view to granting Catholic emancipation with safety. The Catholics, doubtless, would obtain a boon; but, what would the Protestants get? There were many parts of Ireland in which the elective franchise was as purely exercised by 40*s.* freeholders, as in England. It did not appear to him, that their assent would be more easily secured by depriving them of their votes, as a concomitant measure.

Mr. *W. Courtenay* said, he could not contemplate the two propositions of paying the priesthood, and qualifying the elective franchise, as conditions of compromise. Of themselves, he considered them particularly salutary, and highly necessary to the welfare of Ireland. He had the misfortune to differ with his constituents upon the subject of emancipation. They were impressed, as he was, with the present state of things. But they, unlike himself, were of opinion that there was less danger now, than there would be after granting the Catholic claims. For his own part, he would support the bill of the hon. baronet, whether it were accompanied with those qualifications or not.

Mr. *Littleton* disclaimed the most remote intention of interfering with the rights of real 40*s.* freeholders in Ireland.

Miscellaneous Estimates—Public Buildings.] The House having resolved itself into a committee of supply, Mr. Herries moved, "That 40,000*l.* be granted to defray the expenses of Works and Repairs of Public Buildings, for the year 1825."

Mr. *Hume* wished to ask one question respecting the expenses of the King's-bench and the Fleet prisons. An act of parliament, passed many years ago, required the expenses of all repairs done to these prisons to be paid and provided for out of the fees accruing to certain officers appointed for the management and government of the same. Those fees, however, had latterly been taken entirely by the individuals nominated to such offices. Now, he wished to know whether any arrangement had been entered into between the government and those individuals, in consequence of which the public were likely to be reimbursed any part of the expenses to which they were annually subjected on account of these prisons?

Mr. *Herries* apprehended that the hon. gentleman alluded to the act passed in 1724. It was very true, that that act did provide that the marshal for the time being should, out of his fees, provide for the repairs of the King's-bench prison, then to be built under the very same statute. In 1780, the prison was destroyed; and it had become a question, whether the act of George 2nd could be applied to any other than the prison which had so existed up to the year 1780. It was considered, that it could not; and that construction, he believed, had been acted on ever since. Whether the arrangement provided under the act of George 2nd was a proper one to be again acted upon, might, undoubtedly, be a proper subject of consideration.

Sir *M. W. Ridley* was of opinion, that for the principal officers of the government, it would be highly proper, as well as convenient for the public service, to provide official dwellings attached to their respective offices, at the expense of the public. He begged to ask, whether it was intended to continue along the present line, and over the vacant space which one end of Downing-steet at that time presented, that extraordinary range of buildings which had been commenced at the Treasury, and which was so odd an elevation, that he hardly knew how to describe it. If it resembled any thing, with its one tier of building so strangely heaped upon the top of the other, it resembled a double stand on a race-course. Indeed, it reminded him strongly of the stand on the race-course at Doncaster.

The *Chancellor of the Exchequer* had no hesitation in saying, that the buildings which were to be erected in continuation of the present structures, would be in strict uniformity and harmony, and upon a well-considered plan. He was aware that the public attention was at present directed to public buildings, more than in former times. It was not easy for an architect, of all other persons, to escape criticism; because his work was exposed to the public eye during its progress, and commentaries were often put upon detached and imperfect parts of a structure, which would not apply to it when in its finished state. This was a disadvantage which the architect had to en-

counter. Since the commencement of the building alluded to, it was thought that, in consequence of the defects and the nuisances which rendered the public offices in the vicinity so very unsightly at present, it would be desirable to make an alteration in the Home-office, and Council-office. A plan was at present under consideration, for uniting, under one façade, the Council-office, the office of the Board of Trade, and the Home-office. It was not determined on as yet; but he was able to state, that the buildings to be erected would be uniform, and in perfect harmony with each other. At the rear of the right flank of Downing-street, there was a space which his hon. friend said, would admit of the erection of residences for the accommodation of some of the officers of state. Now, the windows of the Home-office, the Council-office, and the office of the Board of Trade, looked into this space, and it was obvious that they must not crowd it too much. Besides, the extent of the space itself, would not allow them to build much. However, the space could certainly, with great advantage, be laid out for the erection of Exchequer offices, as it would be extremely advantageous to have these offices near the Treasury. He did not think that the space to which he had been alluding could be made use of, for the purpose of erecting suitable residences for the public officers. In fact, the depth of the space did not exceed that of a good room, and a little space for a passage.—Upon the general principle of residences being provided at the public expense for public officers, he thought such a provision extremely desirable. It might happen that an individual was called to fill a high public function, who might not be in circumstances to enable him to receive that company, which it was his duty to receive, in a manner becoming his situation. Hitherto, it had not been the custom for the leading public functionaries to have official residences, with the exception of the first lord of the Treasury, the chancellor of the Exchequer, and the first lord of the Admiralty. The house which he himself at present occupied belonged to the first lord of the Treasury; and he occupied it entirely through the courtesy of his noble friend. The secretary of the Treasury was in the occupation of the official residence of the chancellor of the Exchequer. The first lord of the Admiralty was obliged, from the nature of his duties, to be resident at his office. Those who were at all acquainted with the extensive intercourse which the Secretary of State for Foreign Affairs was compelled to maintain with persons of distinction, would be at once alive to the necessity of his being in a situation to afford a suitable reception to such persons. It was necessary to the due dignity of the government. He considered the hint which had been thrown out by his hon. friend deserving of serious consideration. However, care should be taken not to push the principle too far. No doubt the provision would be an addition to the income of ministers. He hoped, however, that if such a provision was intended, parliament would not act niggardly, and would consider that it was not private convenience, but public dignity, that they were consulting.

Mr. *Lockhart* decidedly objected to any propositions of the kind. If splendid houses were to be built for the great officers of the government, there must follow, as matter of course, additional incomes, and sumptuous furniture. The general effect of such a system might be to render the officers themselves less accessible than they at present were; and to increase the public burthens. And this he should the more lament, inasmuch as his majesty's present ministers had certainly shown more feeling for the people, than any he had ever known. Let them, first of all, relieve the public burthens, and then they might fairly come down to parliament and suggest improvements, distinguished by as much magnificence as they chose to impose into them.

The *Chancellor of the Exchequer*, remarked, that from the manner in which the hon. gentleman had just spoken of the suggestions of his hon. friend, a stranger might suppose the hon. gentleman to be talking of the intended erection of some magnificent palace, filled with costly furniture. Now, as for himself, he lived in an official house, but the furniture happened to be his own: such as it was, he was perfectly satisfied with it; though he must say, that if he should be put into another erected at the public cost, he should not be less accessible than at present. The hon. member for Oxford very seldom had occasion to honour him with a visit of a public nature; but though that hon. member did not, he could assure the House, that most of the other members had occasion to do so in the course of the session.

Mr. *Littleton* did not think it necessary to provide all the ministers with houses built at the public expense; but there were some, for whom such an expense was absolutely necessary. He would instance the Secretary of State for Foreign Affairs. No one could doubt that it was necessary, both on account of the dignity of the office which that right hon. gentleman held, and for the convenience of the foreign ministers, with whom he was constantly transacting business, to provide him a house at the public expense. With respect to the other ministers, whom he believed to be greatly underpaid, perhaps it would be better that they should have an increase of salary than that houses should be provided for them.

Mr. *W. Smith* animadverted on the extreme facility with which gentlemen had lately indulged in reflections upon the architects employed on the public buildings. Almost every member who had spoken on these subjects, forgetting the old maxim, "de gustibus non est disputandum," seemed to believe that he had discovered some infallible rule of excellence, by the test of which all new edifices might be tried; and, if their proportions and aspects did not come up to this test, hon. gentlemen really loaded the parties with the severest censures, not to say the most opprobrious epithets, alike inconsistent with ordinary candour, and offensive to good manners. They spoke as if they themselves were intimately acquainted with all the rules received in the science of architecture; and as if every thing was to be conceded to their opinions, and nothing to the technical skill, the knowledge, or the judgment of the architect whose works they reprobated.

Mr. *James Martin* requested to be informed, what was the nature of the defect that had displayed itself in the structure of the Custom-house, and by whom the expenses of repairing and remedying it were to be defrayed?

The *Chancellor of the Exchequer* said, it was intended, that they should come out of the funds of that department of the revenue. It was impossible for him to say what would be the amount of the expenses of repairing that place. It was true, that it had been built at a great expense to the public, under the direction of an architect, who was not at the time under the same control, as the other architects employed in public works at present were; namely, that of the Board of Works. He trusted, however, that no architect would be again employed in the same manner, or remain under so little control, as the architect of the Custom-house had been. In fact, he was the architect to the Customs; and, in consequence of holding that situation, the task of erecting the Custom-house, had been intrusted to him. He had employed a builder under a contract. In that contract the specifications were all drawn out, and when the building was finished, the architect certified, that the work had been done according to the specifications. It turned out, however, that part of the building known as the Long Room, had given way; and he feared it was too true, that a most scandalous fraud had been committed upon the public. It was to have been built upon piles, and the Long Room especially was to have stood, according to the specification, on an arch, the pillars of which were to have been supported by nine regular piles of considerable strength. Now instead of this having been done, it stood only on four piles and a half, which were not placed regularly; and intead of these piles being round pieces of solid timber, like the masts of ships, they turned out to be merely trees, with the branches chopped off. That was undoubtedly a fraud; and every pains had been taken to obtain repayment from the builder for the loss that had been suffeied. He was generally believed to be a person of large property, and means had been adopted to render that property available to answer the expense, should he ultimately be found to be liable. He did not know that the parties concerned in this building had done any thing to biing themselves within the operation of the law; but that point was at present under the consideration of the law officers of the Crown; and, if it should be found that they had rendered themselves liable to the operation of the Combination law; they would be proceeded against for a conspiracy. Whether there could be sufficient proofs of a combination between the parties, he did not know; but, undoubtedly, he could say this, that means had been taken to examine fully into the matter, in order to afford the fullest satisfaction to the public.

Mr. Alderman *Wood*, having the pleasure of knowing Mr. Peto, thought that charges of this kind, coming from so high a quarter, ought not to be hazarded, until they could be brought forward in some

tangible shape. Seeing that the right hon. gentleman spoke of offences so serious in their character, the accusation ought to be distinct, and the grounds of it ought to be distinctly stated. First of all, he had heard that Mr. Laing the architect had not pursued the plan which he ought to have gone upon; and then, again, he was told that the gentleman who contracted with this architect, had not performed his work according to the stipulated specifications between them. Many reports had been, and many more would now be circulated, to the prejudice of Mr. Peto's character. This was wrong. If he was to be tried, he ought at least to have a fair trial. He had hitherto conducted himself with the greatest propriety, and he ought not now to be attacked in this manner upon mere supposition.

The *Chancellor of the Exchequer* said, he should not have stated what he had done, had not the question been put to him. He did not charge either of the parties with having acted improperly, he had merely said, that if it should appear that they had acted collusively, they would be proceeded against. He had not the slightest wish to institute proceedings against them; but if proceedings became necessary, they certainly would be instituted.

Mr. Alderman *Wood* observed, that the sooner these injurious reports were set at rest the better. The individual to whom allusion had been made had at present works in hand, the execution of which would amount to upwards of 300,000*l* On one occasion he had been obliged to give his vote against that individual, in consequence of the rumours that had been set afloat.

Mr. *Maberly* said, that if ministers were underpaid, their salaries ought not to be made up by building them magnificent houses; for that would only be attended with an increase of expense in their style of living. The only true way to remove the evil, if it existed, was to increase their salaries so as to afford them a proper remuneration for their important labours.

Mr. *Bernal* observed, that one of the individuals who had been occupied in building for the public, alleged that from 20,000*l*. to 30,000*l*. were due to him. This was a subject that called for inquiry. He conceived it would be very proper in future, to have a regular superintendant of public works.

Mr. *Baring* said, he was much in favour of building houses for the principal officers of state, not for the convenience of the individuals, but for the benefit of the public.

Sir *M. W. Ridley* said, he wished to see his majesty's ministers provided with houses, in every respect comfortable and convenient; but he had no desire that splendid mansions should be erected for them at a great expense. He was sure, if new houses were erected for them, the public business would be considerably expedited.

Mr. *Hume* objected to the way in which buildings, the property of the public, were at present disposed of. In some instances, individuals, whose salaries were not more than 120*l*. a year, were placed in houses of the value of 2,500*l*. or 3,000*l*. He really thought that they had already laid out quite sufficient on public buildings. One million had been voted for building churches, 300,000*l*. for repairing Windsor Castle, with a long list of et ceteras. Surely these grants were sufficient. He did not object to the particular charge now under consideration; but, seeing such items introduced from year to year, he thought it required a great deal of consideration, before they proceeded further. No building should be carried on, by means of the public money, unless it was absolutely demanded for the public service.

Mr. *T. Wilson* was anxious, when public works were undertaken, that they should be prosecuted on the most efficient, and, at the same time, the most economical plan. He would not spoil a work for the sake of a trifling saving. There was such a thing as spending a pound in the endeavour to save a shilling. There ought, in his opinion, to be an enlargement of the chief public offices. Formerly, the same business was not transacted in them as there was at present. He looked upon money laid out in rendering those offices more convenient, as most beneficially expended. It was, in fact, a piece of public economy.

On the resolution, "That 40,000*l*. be granted to defray the expense of Buildings at the British Museum, for the year 1825,"

Mr. *R. Colborne* rose and spoke in favour of having the National Gallery of Pictures, the foundation of which had been recently laid, placed in a separate building, and in a more central situation than

that which was now contemplated. The Angerstein collection, which contained many valuable specimens of art, ought, he conceived, to be placed in a more central situation, where they might be accessible to those who understood their merits, and were attached to the fine arts. He conceived that the British Museum was placed in a situation better adapted for the exhibition of works of science and of curiosity, than for the study of works of art. He wished to see government lending every assistance to the progress of art in this country; and was, therefore, desirous that the collection of marshal Soult should be purchased.

Sir *C. Long* admitted, that there were many good pictures in the collection of marshal Soult; but there were also some of an indifferent character. With respect to the Angerstein collection, he could say of it, what could scarcely be said of any other collection, that it did not contain a work which was unworthy of a national gallery. As to the erection of a gallery in this part of the town, he had no objection to such a project: but this difficulty arose, that the pictures were, by act of parliament, placed under the trustees of the British Museum. He knew no hands to whom such a deposit could be more properly confided; and he could not see how they could erect a building in another part of the town for a national gallery, without separating the duties that would be connected with that establishment, from those which were attached to the British Museum.

Mr. Secretary *Peel* observed, that the superintendence of the national gallery, wherever it might be situated, ought to be left to the trustees of the British Museum; for certainly there was no public body so fit to undertake the duty. For this reason, sir George Beaumont had made the donation of his collection to them. At the same time, he must say, that if the national gallery were banished to the neighbourhood of St. Giles's and Russell-square it would much lessen the value of the collection. It ought to be established where, to use an expression of Dr. Johnson, "the great tide of human existence flowed;" and he knew of no more fit situation than the neighbourhood of Pall-mall or Charing-cross. It was even desirable that the paintings should not be in the same place with the other interesting objects in the Museum. It was not when exhausted by viewing sculptures, and other works of antiquity and taste, that one should go into the gallery of paintings—[hear, hear.] It would be better to go on another day. He was not only friendly to the purchase of pictures, but would go a step further, and say, that when they were purchased, the public ought not, and he was sure would not, object to a proper place for their exhibition.

Mr. *Hobhouse* said, that when he visited the British Museum, it was by mere chance he discovered that there were any pictures within its walls. He certainly wished that the national gallery of paintings should be separated from the British Museum. He did not like the idea of the great works of Raphael and Guido being placed in the same edifice with collections of animals and fossils. Such a mixture would be like uniting the Jardin des Plantes with the Musée. He was hostile to having so many valuable works of nature and of art accumulated under the same roof, because they were, in case of fire or any other accident, liable, at one moment, to the same catastrophe. He had no objection to allowing the supervision of the pictures to remain with the trustees of the British Museum. With respect to the collection of marshal Soult (a collection, by the way, which he had plundered in Spain), it undoubtedly contained some very fine specimens of art; but, on the whole, it was a question, whether it was worth purchasing.

Mr. *Hume* hoped, if a new gallery was to be erected, that the plan would be fairly laid before the House. The neighbourhood of Charing-cross appeared to him to be the best adapted for the purpose.

Mr. *Croker* said, that sir George Beaumont had made his bequest after the question had been mooted as to the situation of the gallery. He had intrusted his pictures to the trustees of the British Museum, as a corporate body acting on behalf of the public, and for the public benefit. The Dulwich collection was at least as fine as that of sir George Beaumont; and was quite as distant as Russell-square; though he did not profess to know exactly where Russell-square was [a laugh]! Sir F. Bourgeois had given his pictures to Dulwich College, because he knew not where else to deposit them. The first use of the arts was, perhaps, the enjoyment of the few; but, the great object ought to be the improvement and civilization of the many. It was the business, then, of legis-

lators and patrons of art to afford, not merely enjoyment, but a useful lesson: to place that lesson where, as had justly been said, the great tide of human existence flowed, and not in Russell-square, where the collection would only be visited by a few cognoscenti, virtuosi, and picture-dealers.

Sir *C. Long* observed, that many persons were of opinion, that the national statues and pictures ought to be placed in the same gallery. The returns upon the table showed, that, in the last year, upwards of 100,000 persons had visited the British Museum.

Mr. *Croker* said, he had been credibly informed, that many thousands had been attracted thither by the two white bears, imported by captain Parry.

Mr. *Maberly* saw no reason why the trustees of the Museum should not be transferred, with all the buildings, to a more convenient situation. Large sums had been already very unsatisfactorily expended upon the building in Bloomsbury.

Mr. *Peel* said, he had no objection to the building of a national gallery in the neighbourhood of Pall-mall, provided it were placed under the superintendence of the trustees of the British Museum, who had served the public so long and so ably.

Mr. *Bernal* suggested, that the situation of the King's mews appeared the fittest for the purpose. Report stated, that Bow-street office, a house for the chief magistrate, and a house for the Rector of St. Martin's were to occupy that place. It had also been reported, that the royal academicians were to be turned out of Somerset house, in order to have public offices there. He thought this was a favourable opportunity for building a public gallery, in the place where the king's mews stood.

The *Chancellor of the Exchequer* said, he was happy to find the House so ready to coincide in the proposition for erecting a national gallery. He knew not in what hands the national pictures could be placed, with greater propriety, than in the hands of those to whom they were at present intrusted. Every body at all conversant with the subject admitted, that they were the very best persons to whom the custody of so great a charge could be given. From the manner in which they had heretofore discharged their duty, the fullest confidence should, he conceived, be placed in them. As to the particular opportunity of selecting a plan on which it might be proper to raise a national gallery, to which allusion had been made, he should say a very few words. He apprehended, that if the hon. gentleman knew the localities of that spot, he would not deem the object he had in view so easy of attainment. The king's portion of that ground was by no means so large as the hon. gentleman imagined; and, if they wished in that quarter to have a good entrance into one of the most populous parts of London, such an entrance was entirely incompatible with the hon. gentleman's plan. If the hon. gentleman took into the account, the large space occupied by the Golden Cross and the houses between St. Martin's-lane and the mews, there was undoubtedly, considerable room for the exercise of taste and ingenuity; but it must be recollected, that this ground did not belong to the Crown. Now, as to the royal academy, no man who had once seen the exhibition at Somerset-house could doubt that, of all the places in which works of art could be displayed, this was the very worst. The archway was not large enough to admit more than one carriage. The only room in which sculpture could be exhibited must, of necessity, be on the ground floor, owing to the weight of those productions. In Somerset-house the room appropriated for this purpose was so paltry a hole, that all the beauty of the works was lost; and he could not but wonder, that any man of eminence would suffer his productions to be thrust into such an unworthy place. The other rooms were equally bad. The largest was at the very top of the building; and, so long was the ascent to it, that no gouty gentleman or corpulent lady (and such persons had as good right to see the exhibition as those who were more active) could ever hope to attain the difficult height. He should be glad to see some more convenient place provided for the royal academy; and, in that case, the royal society, who were much in want of such accommodation, could have the entire possession of Somerset-house.

Mr. *Hobhouse* said, he was glad to hear, that it was intended to throw open the area in front of the king's-mews at Charing-cross. He hoped to hear also, that it was the intention of government to remove the barracks which now stood there, and which were felt by the persons living in that neighbourhood to be a serious inconvenience. Numerous representations

had been made to him by his constituents, who were locally interested. They complained, that they were deprived of a right of way, which they had enjoyed from time immemorial, and of their right to the continuance of which they were so well satisfied, that they had determined to try to establish it against the Crown, if it should be longer withheld from them. He had no doubt, however, that these persons would willingly see the building which at present occupied the ground, and which was very handsome and well adapted for such a purpose, converted into a lodging for the productions of the arts. This would at once be beneficial to the country, and remove an object which was extremely disagreeable to them, because it was unnecessary and unconstitutional. It could not be said that there existed the slightest pretence for a barrack of such an extent in such a place.

The *Chancellor of the Exchequer* said, that the barrack was still to continue in the place where it was at present established. There was, however, no intention to close the area in front of the building, or to withhold from the public the passage of which the hon. gentleman spoke. He thought the hon. gentleman was a little mistaken, when he characterized the building in the mews, as a very handsome one. It was built from a design by Kent, and and was well enough adapted for the purpose for which it was erected. It was originally intended for stables; and the façade was sufficiently handsome for a building of that nature. It was, however, in no respect fit for a gallery for works of art. Its construction was altogether so unsuitable to such a purpose, that he felt compelled to say, that of all the projects he had heard of, that of the hon. gentleman seemed to him the most singular. With respect to the objections of the hon. gentleman's constituents against the barracks, he had only to observe, that, for many years past, troops had been stationed in that part of the town; and he knew of no spot more convenient for their reception.

Mr. *Croker* begged to call the attention of the House to the way in which the royal society was at present lodged in Somerset-House; a way which was unworthy, and even disgraceful. They possessed a fine library; but, for want of room, many parts of it were put away in cases and boxes; which not only rendered the access to them difficult, if not impossible, but seriously injured the books. He hoped that the hint which had been thrown out that evening would be shortly carried into effect, and that they would be put into possession of the apartments at Somerset-house, now occupied by the royal academy.

HOUSE OF LORDS.

Tuesday, March 29.

Roman Catholic Claims—Petitions of the Clergy against.] The Bishop of *Bath and Wells* said, he had to present to their lordships a petition, very numerously signed, of the archdeacon and clergy of Taunton, in the diocess of Bath and Wells. The petition prayed, that their lordships would not grant what was commonly called Catholic emancipation. It was moderately and respectfully worded. Before it was laid on the table, he thought it right to trouble their lordships with a few observations. It had been asked, whether it was consistent with that charity which distinguished the Christian religion, for the clergy to come forward with petitions against the proposed measure in favour of the Catholics. Many aspersions had, in this way, been cast on the clergy. Now, he was perfectly willing to admit that to be the main, the discriminating feature of the christian faith; but he thought that the petitioners acted up to the true spirit and letter of christian charity, when they came forward and endeavoured to maintain pure religion—when they endeavoured to support Protestantism and the principles of civil and religious liberty against Popish domination—when they endeavoured to maintain the church of England against the church of Rome. He trusted their lordships would always maintain the Protestant church establishment in this country.

The Earl of *Darnley* contended, that no aspersions had been cast upon the clergy. If the reverend persons conceived that they were upholding the church to which they belonged, by the petitions which had been presented, it was not only their right, but their duty, to address them to that House. He begged leave, however, to declare, that there never had been any desire, on his side of the House, to preclude the clergy from petitioning, or the reverend prelates from standing up for the interests of the church of which they were members. At the same time, he could not help alluding to a petition

from the clergy of Ely, which had been presented on Wednesday, and which, if their lordships were to hear read again, they surely would not regard as remarkable for its charitable sentiments. The sentiments it contained were quite inconsistent with the spirit of the Christian religion. He thought the right reverend prelates ought to admonish their brethren against coming forward with petitions of this kind. He held the petition in his hand, and it would be found, that the reverend persons who signed it, cherished all that exclusive spirit of domination and hostility to other sects, for which they blamed the church of Rome. They censured the Catholic clergy of Ireland—men who performed their duty in a way which it would be well for these petitioners to imitate. The noble lord here read some passages from the petition, in one of which it was stated, that the Roman Catholic clergy of Ireland obtained the prostration of the mind and will of the people to their views. This, on the part of the people of Ireland, he denied. The petitioners next called upon their lordships to avert the danger with which they supposed the country to be threatened by the Catholics, and desired that energetic measures might be adopted to guard against the evil; so that the reverend persons were not content with the state of the law as it now stood, but wished again to impose those restrictions, from which the Catholics had been relieved. He would now quote from that book, with the letter of which those reverend persons were doubtless better acquainted than he, though they seemed to forget its spirit, and would wish them to remember that it was better to take the beam out of one's own eye, before it was attempted to take the mote out of the eye of another.

The Bishop of *Bath and Wells* notwithstanding what had fallen from the noble lord, was bold to say that no description of persons was less deficient in charity than those who had been the subject of his comments. He wished to be liberal, wherever liberality could be properly dispensed. Liberality was a very great virtue; but it was not to be exercised at the expense of religion.

Lord *Dudley and Ward* said, that the petitioners against Catholic emancipation addressed the House as if they supposed the Catholic Association still continued its meetings. He would, however, remind them, that the bill for suppressing that Association having received the royal assent no such body was now in existence.

Lord *King* began by alluding to the petition from Ely. In that petition it was asserted, that the church of Rome procured the prostration of the mind and will of the people to the clergy. He at first wondered from whom the reverend petitioners had stolen this fine phrase; but he believed it was taken from a charge of the Bishop of London. He wished the right reverend prelate were present to defend his property; for he had said, that the prostration of the mind and will was the very temper in which a Christian ought always to be. In another part of the petition, certain members of the Roman Catholic church were styled "factious demagogues." Now, this sort of vague charge was one which might be applied any way and any where. It might, perhaps, just as well have been applied to the members of that House. A great many petitions had been presented from the clergy, which had better have been deposited with the chronicles of the church, and there left to rot. At present they came forward like an old medicine of the shops called album græcum, which might be found about the corners of cathedrals. This medicine was once in high repute, like "No Popery," which was now rejected by the stomachs of the public, as much as album græcum would be if it were administered.

Lord *Calthorpe* acknowledged, that sentiments appeared in some of the petitions, which were not consistent with humanity and justice. As to the petition alluded to, it was subscribed by most respectable persons, some of whom he personally knew. Of two of them he could particularly speak. One was a person as hostile to bigotry as any Christian minister he ever knew. The other was a blessing to the church, and an ornament to the university of which he was a member. It would, therefore, be wrong to form an estimate of such persons, from the sentiments which appeared in those petitions. He believed that nothing but the esteem, which was justly due to the character of the individuals who had petitioned against granting the Catholic claims, could have induced parliament so long to have resisted those claims. If the arguments against emancipation had been left to themselves, they would not have prevailed with parliament for a single year: but, a credit had been most willingly given to the

character of the opponents of the Catholic claims, which certainly never would have been given to their arguments. Since he last addressed the House on this subject, he had received letters from various parts of the country, expressing surprise that he had given it as his opinion that the Catholic religion was changed. He wished to clear up this misunderstanding. He had distinctly stated, that he thought the Catholic religion, as to its form of faith, still remained unchanged; but that, as regarded the laity, the influence of the clergy was greatly diminished. When the subject should come before their lordships, he would shew, from the conduct of the Catholics themselves, the truth of his opinion. Before he sat down he must say, that many of the petitions which had come before the House, were drawn up in utter ignorance of the subject to which they related. Many who supported the Catholic claims did so, not only because they considered that the concession proposed was in justice due to the Catholics, but because they considered that emancipation would be the most effectual means of undermining the Catholic religion altogether. Many persons, who perfectly agreed with the reverend petitioners in their notions of the Catholic faith, and in their wishes for the permanent security of the church of England, still conceived, that the restrictions of the Roman Catholics in Ireland acted as a common bond of union, which served only to generate hostility to the Protestant system. Those who considered the granting of the Catholic claims a matter of importance to the country, could not but feel satisfaction at seeing the description of petitions which were presented against those claims. The nature of the petitions, and the small number from which they came, proved what the state of public opinion was with respect to this question. But he was very sorry to observe the language in which some of these petitions were drawn up. The opinions of some petitioners were expressed in a manner never known before; and he regretted that the church should, in some measure, be brought into discredit by them.

The Bishop of *Chester* presented a petition from the dean and chapter of Chester, against the Catholic claims. He observed, that the seal of the chapter was not affixed to the petition; but, if it could not be received as the petition of the dean and chapter, he begged leave to present it as the petition of the persons who had signed it. Before it was read, he would make a few observations on the comments which had been thrown out on the petitions presented from the clergy. He made bold to say, that a few rash words which might have found their way into those petitions, were not more calculated to afford a just idea of the character of the clergy than words occasionally employed in their lordships' House were fit to be quoted as expressing the opinions and feelings of that assembly. He should be very far from judging of the character of their lordships' House by the speeches of some of its members, who might choose to draw metaphors from a dog-kennel. Noble lords had charged the clergy with intolerance; but he would distinctly charge those noble lords with greater intolerance. They pretended not to oppose the presenting of petitions from the clergy; but, the method which they pursued was a much more effectual one of excluding them from the right of petitioning. Nothing was better calculated to attain this end than the attacking the petitions one by one, and picking out here and there any objectionable expression which might appear in them. Many of their lordships had stated, that this question was to be considered merely as a political one; but the clergy, as it was their duty, looked upon it as a religious question. If they apprehended that an attack was made upon the establishment of which they were a part, and if they entered upon the discussion of this question with religious feelings, he could not think the expression of their sentiments blameable. At a future time, he should be prepared to show that the Catholic church was still as intolerant as ever. Far from him be any spirit of hostility; but, it was his duty to state his conviction on the subject. The most intolerant doctrines, were still maintained by the Catholics. Reproaches had been thrown out against the Bishop of London, for having given to the public that expression which had been so particularly pointed out in the petition. This was not the first time that the charge of the right reverend prelate had been misrepresented. That right reverend prelate recommended to all christians to cultivate the prostration of the mind and heart to the Creator of all things; but, he did not recommend them, as the Roman Catholic priests did, to prostrate the mind and will to a temporal authority, falsely presumed to be infallible.

This, he conceived, completely did away with the argument of the noble lord. He did not know in what school the noble lord had studied his political tactics; but he would tell him, that venting sarcasms against the clergy was an artifice to which the enemies of pure religion (amongst whom he did not mean to class the noble lord) had had recourse in every age of Christ's church. He was satisfied that these sarcasms would not be attended with any success in that House; but it was impossible to hear them repeated night after night, and remain silent. If these personal attacks upon the bishops were parliamentary, it was time that the rules of parliament should be changed; but, if they were not parliamentary, then he called on the House to protect them from such missiles by the shield of its authority. They held their seats in that House by a tenure which was both legally and morally not less strong, than that by which the noble lords opposite held theirs; and they belonged to a body of men whom their lordships would find out one day, as their ancestors had found before them, that they ought to treat with respect, and not with contumely [hear, hear].

Lord *King* said, that the right reverend prelate had charged that side of the House, and himself in particular, with a spirit for taking to pieces the petitions of the clergy, which was quite unprecedented. But if this was not done formerly, it was because their petitions were not filled with such sentiments of bigotry and intolerance as those of the present day. The right reverend prelate had insinuated that he was not a friend to the church of England. He was not a friend to the church of England, whilst it encouraged intolerance, and pluralities, and non-residents, and all the other abuses which at present existed in it. Out of 11,000 parishes in England, upwards of 7,000 were held by non residents, and only somewhat under 4,000 by resident clergy. And, it was because they were conscious and ashamed of this circumstance, that the annual returns on this subject were kept back, or at least he was unable to find them. He wished that those champions for the almost apostolic purity of the church—

The Duke of *Newcastle* rose to order. He was not aware that there was any question before the House regarding the purity of the church.

Lord *King* admitted that there was not a question before the House on that subject; but there was a petition from the clergy before it—his observations upon the language of which, had been met by an assertion of the purity of the church; and he contended, that that assertion could not be maintained, while those abuses which he was pointing out were unremoved.

The Earl of *Liverpool* would put it to the candour of the House, whether there ever was a period when the duties of the church were more purely administered than at present, and whether a most important change for the better had not taken place in the administration of those duties? Without going into details on this subject, he felt himself called to say thus much, in consequence of the observations which the noble lord had thought proper to make.

The Bishop of *Chester* wished to say one word in explanation. He did not mean to insinuate, that the noble lord was an enemy to the church of England: what he had said was, that when he indulged in sarcasms against the clergy, he was unconsciously using the very means by which the enemies of religion endeavoured to overturn it. While he was on his legs, he would take that opportunity of informing the noble lord, that the annual returns of the resident and non-resident clergy had been made to the privy-council. He might, therefore, see them, if he pleased; or if not, it was by the privy-council that they were kept back. It was a notorious fact, that the residents were greatly on the increase. Out of 670 parishes in his diocess, there were only 40 in which the incumbents did not reside; and they did not reside in these because it was impossible for them to do so. For this state of things the merit was due, not to him, but to his predecessor, the present bishop of Bath and Wells.

Lord *King* asked, if it was not a fact, that there were many parishes with non-resident clergymen?

The Bishop of *Bath and Wells* answered no, as to his diocess. He had visited every parish in it, and out of between six and seven hundred, there were but seventeen which had non-resident clergymen.

Lord *Holland* agreed with the noble duke that this discussion was not regular. The motion before the House was, that the petition should lie on the table; but the discussion was occasioned by remarks upon an observation made in a former

debate, and was, therefore, the natural consequence of a deviation from order. He could not help thinking that the merits of the church of England, and particularly its comparative merits with those of any other church, were not necessary to be discussed, in order that their lordships should decide, whether or not this petition was to lie upon the table. He should be extremely sorry that the question, whether or not their lordships would concede constitutional rights to the members of another church, was to be decided by the result of a comparison between it and the church of England; for in that case it would be impossible for any Protestant to doubt, for a moment, which way he was to decide. He had always considered this, not as a religious but a great political question, upon which they were bound to decide only with reference to the welfare of the community to which they belonged. He deprecated the idea that the introduction of this measure was to be considered as an attack upon the church of England, on the one side; whilst he wished it to be understood, that the noble lords who opposed it on the other side, were not defending the merits of the church of England, but were advocating the continuance of a monopoly of power (he did not use the phrase in an invidious sense) to themselves. He wished this distinction to be clearly understood, both in doors and out of doors.

The Earl of *Liverpool* wished to remind the House out of what this discussion had arisen. It had proceeded from the unusual course adopted by noble lords of entering upon a debate on a petition: not on its merits, but on the particular terms in which it was drawn up. He was far from saying, if a petition were presented to their lordships which was couched in indecent language, that he would not object to its being laid upon the table; but he contended, that if the terms of every petition were to be discussed in this manner, it would, in its consequences, be extremely detrimental to the right of petitioning. With respect to the allusions which had been thrown out to the prejudice of the clergy, it was not for him to say (considering the quarter from which they had proceeded), that those who made them were enemies to the church; but he could not help observing, that, in making them, they did not manifest much friendship towards it.

The *Lord Chancellor* did not think he should discharge his duty, if he did not enter his protest, in as strong a manner as possible, against the practice of making observations of this nature on petitions being presented from the clergy, who had a right, under the constitution of the country, to petition their lordships on the subject of any measures before them. He did not want to have petitions from the reverend bench of bishops, or from any individuals of that House, but from the clergy and the laity at large. They ought to be, of course, couched in decent language; but, if their lordships were to observe upon every term contained in each petition, they would subject them to a trial which, not even their own debates, if dealt with in the same way, could bear. With respect to the measure alluded to in the present petition, he would take the liberty of saying for the clergy, that whatever faults some individuals might find with them, they had done their duty in giving their opinions upon this measure. A noble lord had complained, that he was said to have changed his opinion respecting the Roman Catholic religion: he (the Lord Chancellor) had to complain of communications having been made, in which he was said to have changed his opinion upon this question. He, therefore, took that opportunity of saying, that, so far from having changed his sentiments upon the subject, every successive event served to confirm him in the persuasion, that every man who wished to support the constitution in church and state, should go along with him in opposing the measure of Catholic emancipation.

Ordered to lie on the table.

HOUSE OF COMMONS.

Tuesday, March 29.

West-India Company Bill.] On the order of the day for the second reading of this bill,

Mr. *Fowell Buxton* opposed the motion. He said, he did not object to this Company because it was a Joint-Stock Company, but because its object was to deal in men. Other companies were for canals and rail-roads, but in this company the capital raised was to be embarked in mortgages on our fellow creatures. Under the operations of this bill, men were to be bought and sold. Being of opinion, in common with a large proportion of the people of England, that all dealings in men, of whatever description, were in

themselves so many crimes, he could not give his consent to the creation of this company. West-India property consisted of land and the labour upon that land; the slaves constituted its value, and on them the security would depend. When the funds of the company were invested, the company would have procured to itself 40,000 negroes. He would therefore move, "that the bill be read a second time this day six months."

Mr. *Robertson* supported the bill, and expressed his surprise that the hon. member for Weymouth, who was the great champion of all sorts of Joint-stock companies in that House, some of them calculated to bring ruin on our fellow subjects at home, should oppose the present measure, which was likely to afford great assistance to the colonial interest, on the ground of his feeling an excessive sympathy for the negro population of the West Indies.

Mr. Alderman *Thompson* did not see what objection there could be to the present bill. It merely went to enable the company to sue and be sued.

Mr. *Hume* supported the bill, as calculated to benefit the colonies.

Mr. *W. Smith* said, that the object of the bill was to create a monopoly of a most dangerous kind.

After a few words from Mr. Ellice, sir M. Ure, and Mr. Manning, who complained, that the conduct of the hon. member for Weymouth and his friends had paralyzed the whole of the transactions between Great Britain and the West Indies, the bill was read a second time and committed.

Joint-Stock Companies — Repeal of the Bubble Act.] Mr. *Peter Moore*, in pursuance of notice, rose to bring forward a proposition for defining and ascertaining the law relating to Joint-Stock Companies. He stated, that at present the law in respect to these companies was very obscure and ill-understood; the common law, from its antiquity, being but little applicable to them, and the statute known as the "Bubble Act" being so full of penalties and contradictory enactments, that it was, in fact, a dead letter. The necessity of settling a question of so much importance was placed beyond question, by the amount of capital which was daily investing in these speculations, and which he would be safe in estimating at upwards of 160 millions. This sum, large as it was, he hoped to see tripled and quadrupled; as the infallible result of so extended a spirit of commercial enterprise must be, to encourage industry and diffuse employment. Attempts were making to bring the companies into discredit, by stating that they came within the Bubble act. He denied that they did so; and with respect to the act itself, he knew that its authority was considered obsolete in the highest legal quarters. Besides, bubble schemes could not in these days be maintained; because, if the people did not approve of them they could not be supported. Hence, no legislative enactment was wanted for their suppression. He had himself the honour to belong to some of these companies, and he pledged himself that there was as much integrity in their views, as in those of the company of the Bank of England itself. He called upon the chancellor of the Exchequer to protect these companies; for they contributed a good deal to the revenue, as every transfer of stock was liable to a heavy stamp duty. It was not his wish to provoke a discussion at that stage of the bill; but he hoped the question would be fully gone into at the second reading; and any assistance which he could give in defining the law, he would gladly afford. At the same time, he had no hesitation in saying, that he courted the fullest inquiry into every speculation with which his name was connected, and he was authorised by the directors to state, that if any deception appeared in any part of their proceedings, they were willing to withdraw the scheme altogether. Upon all these grounds, he hoped no objection would be made to bringing in the bill; that the fair dealers might be distinguished from those who had improper views, and that a question might be settled, in which so many persons, and so much property, were interested. He concluded by moving, for leave to bring in a bill "to repeal the 6th of George the First, called the Bubble Act."

The *Attorney-General*, having been called upon by several members, said, that the act which it was proposed to repeal, referred to a great variety of objects, other than Joint-stock companies, to which the hon. member's bill was addressed. If he recollected rightly, the incorporated rights of two great commercial companies in the city of London were secured by that act. This subject, therefore, required much more consideration than the

hon. member seemed disposed to give it; and he should, therefore, feel it his duty to oppose the motion.

Mr. *Grenfell* said, he would support any motion for settling the law upon the subject of Joint-stock companies If there was an indisposition to concede the repeal of the whole of the Bubble act, why not repeal part of it? It was absolutely necessary, considering the amount of capital embarked in these speculations, and the anxiety prevailing as to the law, that some definite rule should be laid down. The Bubble act was a dead letter; since, from the severity of its penalties, it never could be put in force in the present state of the country. No one would have the boldness to propose the application of this act to the schemes that were now afloat. It was only last week that he saw the prospectus of a new speculation, to which the name of a prince of the blood was attached. He imputed nothing improper to this royal personage; but, would it be said, that he was a fit object for the application of the Bubble act? He had seen another prospectus, containing the name of a high individual, for whom he had the highest respect; namely, the archbishop of Canterbury, and he believed the whole bench of bishops were parties to the undertaking. He did not quarrel with these reverend persons for thus embarking in an adventure; but, who would think of attaching to them the pains and penalties of a premunire? He hoped, therefore, that the subject would be considered, and that the law would not be suffered to remain, which subjected the highest personages to such penalties. The public were already led to expect some alteration in the law from the highest authority in the country. He did not offer a word, as to the policy or impolicy of the Bubble act; but he thought it highly necessary that the law should be rendered intelligible.

Mr. *Robertson* wished the subject to be set at rest for the sake of the public at large; who were quite as much entitled to protection, as any of the princes of the blood, or the archbishop of Canterbury.

Mr. *Ellice* said, he had heard with satisfaction the proposition of his hon. colleague, for setting at rest the law affecting Joint stock companies. He did not pledge himself to go the whole length with him, of repealing the act of George 1st. but he should decidedly vote for bringing in the bill, that the question might be discussed, and some steps taken to define the law. For the Bubble act, he had no great respect; for the history of that measure was this—that it was made to support two great bubbles, and to suppress all others. He was anxious to elicit some legislative decision upon these companies; because, from the passive silence of parliament, a great deal of inconvenience was produced out of doors. There was evidently an indisposition on the part of ministers to entertain the subject: and they had even held the most liberal opinions in that House, stating that the public were at liberty to introduce whatever schemes they pleased, but that existing laws were sufficient to punish any frauds which might be committed. But, whilst this language was held in that House, an alarm was sounded elsewhere; and every opportunity was taken to warn the public against embarking in speculations, which he (Mr. E.) believed to be a more beneficial mode of employing the superabundant capital of the country, than in lending it to the sovereigns of Europe, who had so often become bankrupts. But, so it was, that the public were in a state of distraction between opinions so much at variance with each other, and both professing to come from authority. He recollected the same game being played, in the case of the Spanish colonies in South America; for whilst the independence of those states was treated in the speeches of the ministers in that House as partly recognized, the court of Chancery was labouring to warn all persons from embarking in any transactions connected with them. This was unfair treatment of the public; and, if persevered in, might have the worst effects. It was due to them to make something certainly known as to the law of the case. He therefore voted for the introduction of this bill, in the hope that the discussion upon it would lead to some beneficial result. Possibly, the right hon. president of the Board of Trade would then state, whether it was the intention of government to interfere, and the public would be in a condition to judge whether the Bubble act might not be wholly repealed, or at least considerably modified.

Mr. *J. P. Grant* thought that, under the terms of the hon. member's motion, nothing short of a repeal of the 6th of George the First could be now introduced. If his object was to amend and alter parts

of that act, it should be made the subject of a motion distinct from this. It was, however, a question of the greatest delicacy and importance; and, even if the Bubble act were repealed, he was not prepared to say, how far the subject would be affected by the common law. The act in question was very loosely worded; and, from the circumstance of the infrequency of its application, it had not received much interpretation from courts of law. But he believed it was quite clear, that the act referred to many other objects than those to which this motion extended; and, under such circumstances, he would recommend his hon. friend to withdraw this motion, and wait for some other opportunity. At the same time, he was bound to hint to him, that the subject which he had undertaken was more extensive than he perhaps imagined, and that from the number of subjects which would necessarily be implicated in it, he would find it difficult to frame such a bill as would meet his views, and not violate any interest.

Mr. Secretary *Peel* said, that the Bubble act contained twenty-nine clauses, the first seventeen of which had no reference whatever to Joint-stock companies. Did he understand the hon. member, then, to call upon the House to repeal those clauses? He was at a loss to see what benefit could be derived, even if this motion was acceded to. It was quite impossible, in a bill, brought in for the purpose of repealing an act of parliament, that seventeen clauses should be left untouched, as they necessarily must, since they had no relation to the subject. He would advise the hon. member to withdraw his motion.

Mr. *Hudson Gurney* regretted, that this measure had not been brought forward by government, as the state of the law, as regarding Joint-stock companies, was such as obviously required alteration. He wished the right hon. gentleman opposite, the president of the Board of Trade, could be prevailed upon to take the task of legislation into his own hands. It was impossible that the common law, originating in another state of society, could meet all the exigencies of the present commercial situation of the country; and the Bubble act, which the hon. gentleman now moved for leave to bring in a bill to repeal, not only left the law in great uncertainty, but contained provisions which it was impossible ever could be acted upon. Something, certainly, ought to be done—whether by merely introducing a system of registration, and thus enabling every one to judge of the parties he trusted; or by introducing the continental system of authorizing parties, on actual deposits so registered, to limit their responsibility, he was unable to say; but he was much inclined to think, that the latter would be of very useful adoption. It had been argued, that the great and increasing capital of the country had forced men into the species of speculation now afloat, for its investment; but, the fact was, that the greater number of these schemes were projected by persons having no capital whatever, who carried their shares immediately into the Bubble-market, the first instalment to be paid bearing little proportion to the nominal capital—speculating on selling, on the first rise of price, to those who will allow themselves to be cheated; advertising their projects under the names of known persons, as trustees and directors; and, having themselves advanced next to nothing, looking to realize on an amount which was purely fictitious, at the expense of the public.

Mr. *Peter Moore* said, he should be extremely glad if his majesty's ministers would take the affair out of his hands. He had been waiting in expectation that the matter would be taken up by high authority. If a bill respecting it were brought forward in any shape, he should be most happy. But, as things were, the various Companies, possessing, a capital of 250 millions, were left at sea, without rudder or compass, not knowing whether they were acting right or wrong. What they wanted was, to act right. Upon his honour, he believed that not one of the Stock Companies, with which he was connected, had less probity or less stability than the bank of England itself. He would never connect himself with any one of which he did not entertain that opinion. What they wanted was, to understand the law. It was said, that the Bubble act did not apply to them, yet they had been threatened with its operation; and that threat had operated upon them most injuriously. Full discussion was what he wished for. Might he be allowed to change the word "repeal" the act, for the words "amend and alter" it? In a case in which so much property was afloat, let the matter be settled. Could the two clauses of the act which affected that property be alone considered? He believed

that the whole act had been declared by high authority to be obsolete and a dead letter, and that it had been declared, by still higher authority, that it could not be carried into execution. He would propose to amend his motion by substituting the words "alter and amend", for the words "repeal."

Mr. *Hume* asked seriously, whether it was intended to leave the law in its present unsettled state, and what objection could there be to altering and amending such parts of the act as were objectionable? The lord chancellor had promised to bring forward some measure but, in what time could such a measure be looked for? At the end of next session the learned lord would begin to doubt; and when his doubtings would end, no man could say. In the mean time, property would be wasted in legal disputes, and uncertainty and anxiety must be every where prevalent.

Mr. *Huskisson* asked whether, under the terms of this notice to repeal an act, a motion could be now made to alter and amend it? The hon. member who brought it forward had confessed that he was unable to point out any specific remedy for this alleged inconvenience of the law. He should say, that the hon. member would have treated the House with greater respect, if he had prepared himself better, and enabled himself to make some substantive proposition on the subject.

Mr. *P. Moore* said, he had no objection to withdraw the motion for the present; but he would bring it forward again after the holydays.

Petition from R. Carlile.] Mr. *Hume* presented a petition from Richard Carlile, a prisoner in Dorchester gaol, calling the attention of the House to the circumstances of his case. The hon. member read the greater part of the petition; and from the statements contained in it, it appeared, that besides the complaints which the prisoner had before made of the length of his imprisonment, and his incompetency to pay the heavy fine imposed upon him by the court of King's-bench, he had now come forward to complain of the conduct of government in seizing his books under a writ of execution, and in retaining them still unsold in its possession. If the books had been those prohibited by law, it would have been easy to understand the principle on which the government continued in possession of them; but many of the books seized were openly sold in all the shops of the country, and ought therefore to have been exposed to immediate sale by the officer who had executed the writ against them. Among them were 250 copies of Volney's Ruins of Empires, Cobbett's Register, and other works. The petition stated, that if these works had been sold at the time of their seizure, they would have produced a sum which would have enabled the petitioner to pay his fine. If this were so, he (Mr. H.) could not conceive a case of greater hardship. As a sincere friend to religion, he had always thought that the interference of the government, and of the Vice society, with the proceedings of the petitioner, had been productive of great mischief; and he was sorry that the right hon. gentleman opposite had not long since taken measures, to put an end to the punishment which the petitioner was at present enduring. His case was indeed a hard one. He had been punished far beyond what was just. He had been kept in prison for not paying his fine, when the property, by which alone he had any chance of paying it, was withdrawn from him. The petitioner ought either to have his property restored to him, or to be liberated immediately from the prison in which he had been so long immured.

The *Attorney-General* would not have thought it necessary to say a word upon this petition, had it not been for an unfounded allegation contained in it. The property which had been taken on the premises of the petitioner, was not at present, nor indeed had it ever been, in the hands of government. It was in the possession of the sheriffs; and if they were retaining it improperly, the petitioner had his remedy against them. Indeed, the petitioner had already brought an action against the sheriffs, in which he had obtained either mere nominal damages, or else a verdict on which it was impossible for him to found any ulterior measures. It ought to be recollected, that if the sheriffs sold the publications taken in Mr. Carlile's shop, they sold them upon their own responsibility for their contents. He was sure, that if the petitioner would point out, either to the sheriffs, or to the secondary, any books which they could sell, without running the risk of an indictment for blasphemy, those books would instantly be exposed to sale. In the mean time, it was unfair to assume, that

the sheriffs had acted incorrectly. Their conduct had been sifted by the court of King's-bench, and had been pronounced to be perfectly correct. In conclusion, he repeated his denial that any of the petitioner's property was in the possession of the government.

Mr. Secretary *Peel* said, he had entered so often into the general question connected with this petition, that he should decline saying any thing upon it on this occasion. He would merely say, that nothing was more difficult than to lay down a rule, how long an individual should be imprisoned for non-payment of a fine. To say that a prisoner, who was incompetent to pay a pecuniary fine, should be released at once, would be to offer a premium for the commission of misdemeanors. His release must, therefore, depend upon other circumstances—such as the mildness of his behaviour, his conformance to the discipline of his prison, and his general character and conduct. Now, nothing could be more violent and more improper than the conduct of Carlile; and that was the chief reason why he had not felt himself justified in interfering on his behalf. As a proof that he was not unwilling to interfere on behalf of persons in a situation similar to that of the petitioner, he would mention, that he had given orders for the release of Mary Ann Carlile, who, like her brother, was retained in prison for non-payment of her fine. Her conduct had been the reverse of that of her brother, and he had therefore recommended that she should be discharged. In order that the House might have some grounds on which to form an opinion of the conduct of Carlile, he would state, that Carlile had given him notice, that after a certain day, which he named, he should consider himself illegally detained, and should feel himself justified in murdering any governor that might be appointed to guard him. Besides this, he had corrupted many individuals, both in the prison and in the neighbourhood, and had gloried in being able to continue, as before, his daring violations of the law. If he had abstained from such representations, and had submitted patiently to the discipline of the prison, he might, perhaps, have consented to discharge the petitioner; but, when his conduct was of the most violent and intemperate description, he was bound to take it into consideration, before he consented to limit the period of his imprisonment.

Mr. *Hume* repeated his declaration, that the case of the petitioner was peculiarly hard. He was not much acquainted with the tricks and management of law; but, from what had fallen from the learned gentleman, he clearly saw, that the petitioner was not likely to have much remedy at law as against the sheriffs. He also begged the House to understand, that the petitioner did not pray to be liberated, but that the House would correct the laws which prevented him from recovering possession of his property.

Ordered to lie on the table.

COMBINATION LAWS.] Mr. *Huskisson* said, he rose with great regret, to call the attention of the House to a subject that was of the highest importance to the commercial interests of this empire, but which in consequence, as he apprehended, of some misconstruction that prevailed among certain classes in this country, in respect of a legislative proceeding of the last session, repealing the combination laws, seemed likely to be attended with most inconvenient and dangerous consequences. He certainly considered, that the parties immediately interested in that proceeding had been subsequently acting under a misconstruction of the intentions of the legislature: and, in the motion with which he meant to conclude, he did not propose to suggest that the old laws against the combinations of workmen and labourers against their employers should be again put in force. Those laws were, many of them, oppressive and cruel in their operation on workmen; and he had always advocated the principle of allowing every man to dispose of his labour to the best advantage, which principle they, in very many instances, had directly violated. The right hon. gentleman then proceeded to advert to the bringing in of the 5th of George IV. c. 95., and to the avowed objects of that bill. He felt himself bound to admit, that in principle those objects seemed to be perfectly fair and proper to be established, as between workmen and their employers; but he was satisfied that they were not so in practice. Moreover, he doubted whether the act in question, as long as it should continue to exist, would not have a strong tendency to keep up, between workmen and their employers, a spirit on the one side of alarm, on the other of distrust.

He would briefly review the course and effect of that proceeding. It com-

menced by a motion introduced by an hon. gentleman on the opposite side of the House, who pointed out the hardships to which, under the then subsisting laws, journeymen and others were liable; and there could be no doubt that, in too many cases, those laws were, in a great degree unjust and prejudicial in their operation. A committee was accordingly granted to the motion of the hon. gentleman; in which it was proposed to go largely into evidence and inquiries on these topics. It was a very full committee, consisting of about fifty members; and it, undoubtedly, examined a vast variety of evidence, upon all questions connected with the main intention of its labours. The result of those labours was—not that a report was made to that House (which, as he thought, would have been the most desirable course), stating the grounds upon which the committee had come to the determination of recommending the introduction of their bill, and thereby affording to the public, and in a more especial manner to parliament, the necessary information, as to the motives which induced them to recommend such a change of the existing law; but that the committee adopted, finally, a string of resolutions which involved no such statement whatever. He should inform the House, that he was himself a member of that committee; and, perhaps, he ought to mention that circumstance with considerable regret, owing to the fact of numerous other avocations of an official nature, in which he was all that time extremely busied, having prevented him from paying that degree of attention to the business of the committee, which he could have wished to do, and which the importance of its inquiries most undoubtedly demanded. To the same causes he must refer the indulgence of the House, while he stated, that they had equally precluded him, when the bill in question was brought in, from considering it with all the attention and care, in its various stages, that it deserved to be considered with. And he might go further, and express his regret, that those of its enactments which were of a legal nature, had not, possibly, been discussed with all the technical knowledge, which might have been beneficially applied to them by those hon. and learned friends of his of whose professional learning, in ordinary cases, government had the benefit.

The consequence of all this had been, that some of the provisions of the bill, which afterwards passed into an act, were of a very extraordinary nature. Not only did the bill repeal all former statutes relative to combinations and conspiracies of workmen, but it even provided, that no proceedings should be had at common law, on account of any such combination, meeting, conspiracy, or uniting together of journeymen, &c.; for, in fact, almost any purpose: and thus, by one clause, it went to preclude the possibility of applying any legal remedy to a state of things which might become, and which had since become, a great public evil. Now, this fact was the more curious, inasmuch as the hon. member who introduced the bill into parliament, had himself taken occasion to state, both in that House and in the committee, on what he considered to be legal authority,—and he (Mr. Huskisson) in common, he was sure, with every hon. gentleman who heard him, would readily allow that the hon. member for Peterborough (Mr. Scarlett) was indeed high legal authority—that if all the statutes relative to combinations were to be repealed, he thought the operation of the common law alone would be sufficient to repress, among workmen, any dangerous and injurious tendency, improperly or violently to combine against their masters. The bill itself, however, repealing thirty or forty acts of parliament, and in this singular manner putting aside the common law altogether, was brought into the House at a late period of the session; passed through its first stage, subsequent to the first reading, on Wednesday, the 2nd of June; and, on Saturday the 5th of June, only four days after the second reading, and in the same week, was read a third time and passed, without any discussion. The measure was therefore hurried on with as much expedition, as was usually applied to the most pressing bills.

To the hon. gentleman himself he imputed no blame for thus speeding his bill through the House of Commons. Looking to the advanced period of the session, and the discussion which it had received in the committee, it was natural enough that he should desire it to go through the House with all possible expedition. But, since the passing of the act in question, it had happened to him in his official capacity to receive information of the conduct adopted by bodies of workmen in various parts of the country. They were, many of them, very painful accounts; and to his right hon. friend, the Secretary of

State for the Home Department, numerous reports had been forwarded, detailing acts of outrage and violence, on the part of workmen combined against employers, of the most disgraceful character. His right hon. friend had permitted him to inspect those reports; and he could state that they manifested, in all those classes of workmen who had misconceived the real object of the legislature in the late act, a disposition to combine against the masters, and a tendency to proceedings destructive of the property and business of the latter, which, if permitted to remain unchecked, must terminate in producing the greatest mischiefs to the country. Indeed, those mischiefs were rapidly growing, in some districts, to so alarming a pitch, that if their progress was not speedily interrupted, they would very soon become, rather a subject for his right hon. friend to deal with in the exercise of his official functions, than for him (Mr. H.) to call the attention of the House to, in this manner. These things could not remain much longer in their present condition. Unless parliament should interfere to place them on a different footing, his right hon. friend, armed as he was by the state, with the authority of calling in aid to the civil power for the protection of the property and liberty of the king's subjects—must so interpose against what he could not but consider a very formidable conspiracy in certain bodies of men, calculated to place that liberty and property, and perhaps life itself, in great jeopardy, as regarded certain individuals who employed large numbers of labourers and journeymen. But, by a timely inquiry into, and consideration of, this subject, parliament might be enabled to deal with it as with a question merely of commercial polity.

He wished to treat it as a question, on the one hand, of the freedom of labour, looking to the right which every man naturally claimed to exercise over his own labour; and on the other, as a question upon the effect of those principles that had formerly prevailed in this country with regard to the right in those claiming this freedom of labour of interfering with, and exercising a control over, parties largely employing such labour. But, he must beg to repeat his conviction, that if parliament did not very soon interfere to reconsider the whole of this question, in all these branches, they would find that the evil which was already existing, would speedily attain an extremely mischievous height. They would then be obliged to apply to it other means and another remedy. If such should unfortunately ever be the case, he did hope that his right hon. friend would not only not be backward to employ those means and that power with which he was vested for the removal of the evil he spoke of, but that if necessary, he would apply to parliament to be furnished with further powers to prevent the baneful oppression of a tyranny, as he must call it, that was now exercised over a great portion of the property and the liberty of some of his majesty's subjects, in many parts of the country. But, while he thus designated the character of those combinations which had been so extensively formed by men who were obviously proceeding altogether in error, he did trust, that on account of what he had been saying, he should not be considered as a person who was at all hostile—nay, who was not friendly—to the right of labour—to the right which every man, generally speaking, had, to dispose of his labour and skill to the best advantage, or as he might think proper. As a general principle, he undoubtedly thought that every man had a fair inherent right to carry his own labour to whatever market he liked; and so to make the best of it. And, accordingly, he had always maintained that labour was the poor man's capital. But then, on the other hand, he must as strenuously contend for the perfect freedom of those who were to give employment to that labour. Theirs was the property which rendered that labour necessary—theirs was the machinery on which that labour was to be employed—theirs was the capital by which its employment was to be paid for. At least, therefore, they were entitled to an equal freedom of action: and that property, that machinery, and that capital ought to be as sacred and unfettered, as the labour which was the admitted property of the workman. If their right and title and freedom in all these matters could not be sustained, so neither could there be kept and retained in the country the means of employing labour; and the workmen themselves would be the victims of a delusive system of attempted influence and intimidation over the employers.

He would not unnecessarily detain the House by entering at any length into details, to shew that such a system was, in several quarters, now acted upon. Meet-

ings had been held, and associations formed, in different parts of the country, which, if persevered in and prosecuted successfully, must terminate in the destruction of the very men who were parties to them. Now, as to the individuals who had adopted measures of this kind, it might not be immaterial to advert to one or two papers that he held in his hand, which pretty clearly developed what were their own views, and what their own proposals, in respect of this right which they had assumed, of interference with the property and concerns of their employers. The first which he had with him was entitled, "The Articles of Regulation of the Operative Colliers of Lanark and Dumbarton." The second was a similar production of "The Ayrshire Association;" and he could produce a great number of such rules and articles and regulations, each body of them absolutely forming as regular a constitution as any of those which we were now almost daily reading of, as arising from the new governments that were springing up in every part of the world. These Associations had their delegates, their presidents, their committees of management, and every other sort of functionary comprised in the plan of a government. By the 9th article of one of the sets of regulations, it was provided, "that the delegates from all the different works should assemble at one and the same place" on certain stated occasions: so that the House would perceive, that this provision regarded not a combination of all the workmen of one employer against him, or even of one whole trade against the masters; but something more formidable and extensive; namely, a systematic union of the workmen of many different trades, and a delegation from each of them to one central meeting. Thus there was established, as against the employers, a formal system of delegation—a kind of federal republic, all the trades being represented by delegates, forming a sort of congress. Another regulation was to this effect—"Each delegate shall be paid out of his own work" (the earnings which he was to be permitted to make, and of which a portion was subscribed by every member having employment, for the purposes of these associations), "with these exceptions only—the president, the secretary, and the treasurer, are to be paid out of the general funds. The delegates are elected for six months, and may be re-elected." So that here was a tax levied upon each workman, for the maintenance of general funds applicable to purposes of this mischievous character.

He would next particularly call the attention of the House to the 11th article; inasmuch as it clearly demonstrated the real meaning and intentions of the societies thus constituted. "It is the duty of these delegates, first, to point out the masters they dislike." A duty in itself sufficiently dangerous and illegal. "Secondly to warn such masters"—of what?—"of the danger in which they are placed, in consequence of this combination." Here, therefore, was an acknowledgment of the danger of such associations, admitted by themselves. But, let the House observe what followed: "And, thirdly, to try every thing which prudence might dictate to put them (the masters) out of the trade"—not, let it be observed, every thing which fairness and justice might dictate to workmen who sought really to obtain a redress of grievances; but, every thing which "prudence" might dictate. In such a position "prudence" must be understood as implying merely that degree of precaution that might prevent the "Union" from being brought within a breach of the law—such as the crime of murder, for example. Now, was it fit, or right, or reasonable, that persons engaged in commercial or other pursuits—such as mining, for example—should, by combinations thus organized, and by pretensions of this kind, be kept in constant anxiety and terror about their interests and property? In order to show how regularly organized these bodies were, and how they proposed to exercise the mischievous tyranny that he complained of, over such masters as might happen to be placed within the sphere of their control, he would just allude to the 13th article:—"These articles may be modified and altered at any meeting of the delegates; and if sanctioned at such meeting by two-thirds of the delegates present, they shall be final. The power of levying money from all the members of the association must be left to the general committee." So that these were not to be voluntary, but compulsory contributions, actually "levied" upon all the parties to the union. "All laws passed at the meetings of the delegates will be binding on all whom those delegates represent." Now, one of these laws was, "that there should never be allowed to be any stock of coals in the hands of any of the masters;" because, if

such stocks were allowed, they would be less dependent on the workmen, and might possess some means of rescuing themselves from the tyranny and control of this association or union.

Other associations, however, were governed by regulations, if possible, more extraordinary. One of these regulations was, that no man coming into any given district or county within the control assumed by the associating parties, should be allowed to work, without being previously amerced *5l.*, to be applied to the funds of the association. And another of the regulations was, that any child being permitted to work or assist (as, for instance, a man's son), should at ten years old, be reckoned a quarter of a man, and pay a proportionable amercement accordingly. In like manner it was provided, that any man being called in by any collier to his assistance, should not be at liberty to work under him, unless previously adopted, like the collier, by the society, and unless, like him, he should previously have paid his *5l.* Now, in this part of the empire there could not exist any doubt whatever, looking to the artificial situation in which this country was placed in regard to many of its institutions, and particularly with regard to the poor-laws, that parties, who were liable some day or other to become reversionaries on that immense fund, had no right to take measures that had an obvious tendency to throw them on that fund, and so increase the burthen which its support imposed upon the country. And, without desiring to restrict the right or choice of any individuals as to the legal disposal of their means, he could not help asking, whether this amercement of *5l.*, and this subscription of 1*s.* a week to the funds of the association, which every member of it was called upon to pay and contribute, would not produce to each of the parties, if placed in a saving bank, far more beneficial and advantageous results? What could be the meaning or motive of creating all those presidents, and permanent committees of management, if there were not among these combinations many persons anxious for the enjoyment of the power and distinction which they considered the attainment of certain posts like these would confer upon them? And, was it not in human nature almost an invariable principle, that in all contests for all kinds of power, the most artful were those who usually obtained their object and seated themselves in places of authority? This consideration rendered it still more necessary to look narrowly at the constitution of these assemblies.

Another of their rules was, that every measure to be adopted should previously undergo a full discussion, and that the majority should bind the rest—a very proper rule in Debating-societies, no doubt; and one, he believed, very generally adopted in them; but it was one, that, under these circumstances, he could not approve, as thinking it to be, in its consequences and application, inconsistent with that freedom from all external control, which the masters or employers were obviously entitled to, in the administration and management of their own property. That he had not over-stated facts or their possible effect, the 22nd of the articles from which he had been reading would sufficiently show: it was conceived in these terms:—"that no operative, being a member of this association, shall be at liberty to engage himself for any given time or price, without the consent of the committee of management." Why, if a system of this kind was to extend itself through the "operative" population, engaged in all the different branches of mining, manufactures, navigation, and shipping in this country, in what a painful situation would every body concerned be placed? Who would, for an instant, endure a control of this oppressive, of this destructive nature? Yet, such a control, under the prevalence of such principles, might exist: and, when he said it might, he was sorry to add, that it did exist. For example, it existed in that most important branch of our commercial greatness, our coasting trade. There had been a society formed, called the "Seamen's Union." The principles and object of this combination had been promulgated in the form of a little dialogue—not the less interesting, be it observed, on that account, to those whom they were addressed to. In this, as in other concerns, it seemed that the association had come to the determination of not submitting to the authority of any persons whom they had not among themselves appointed or approved. He would here ask, in relation to doctrines of this sort, how it would be possible to carry on business in mining concerns, for example, if the workmen themselves should have appointed all the overseers under whose superintendence they were employed? In the same man-

ner, however, it appeared, that they who were employed as seamen in the coasting trade would not put to sea unless all the rest of the crew were members of their union. Having stated to the House that it was positively one of the articles agreed upon by this union, that men thus employed should do nothing which they had never before been called upon to do as seamen, but which it was quite evident it might be very material on particular emergencies that they should do—let the House observe the mischiefs that must flow from such a regulation. He could state to them, if it were necessary, a case that had occurred very recently, in which a vessel, coal laden, got on a sand-bank at the mouth of the river. It became necessary to have her ballast shifted; but it happened, that one of the regulations to be found in this dialogue between Tom and Harry purported, that it was unworthy a seaman to assist in shifting ballast. The consequence was, that on the occasion he was speaking of, all the men were in a state of insubordination and mutiny; and, if some craft had not come up to the vessel's assistance, it was impossible to say what consequences might have ensued. As soon as the ballast had been shifted by the craft's hands, the men immediately returned to their duty, and navigated the vessel as before. What was the result of their refusal to shift the ballast, however? The men in the craft who had performed that service claimed salvage. A sum of 200*l.* was awarded to them on account of salvage; which of course the owners were obliged to pay, the salvors themselves unanimously declaring, that the danger of the ship and cargo salved was occasioned by, in fact, the adherence of the crew to one of the rules of this Seamen's Union. If any man after this could be found to affirm that such principles and such conduct were not matter for the interference of parliament, he would only say, that parliament had better at once resign every idea of giving any protection at all to any species of property.

He was really not surprised, however, when he looked at the way in which this act of last session was worded, and the artful misconstruction that might easily be put upon it, by those who best knew how to mislead and deceive the men who had engaged in these combinations, that those men should have erroneously supposed their proceedings to be warranted under this act. The act, as he had before intimated, repealed all former statutes, and so on; and then enacted, that no proceedings at common law should be had, by reason of any combinations or conspiracies of workmen formerly punishable under those repealed statutes. The House would perceive, that the second section declared, "that journeymen, workmen, and other persons who shall hereafter enter into any combination to obtain higher rates of wages," and so forth; "or to regulate the mode of carrying on any manufacture, trade, or business, or the management thereof, shall not be subject or liable to any indictment or prosecution for a criminal conspiracy or combination, or to any other proceeding or punishment whatever, or under the common statute law." Now, would not any body on reading this sentence, suppose it was something really fit, and almost commendable, for workmen to combine and conspire together to regulate and control the management of any manufacture? And accordingly — without imputing to the framers of the bill the slightest idea, that such a misapprehension could ever be entertained—he did not doubt that a great proportion of the associated and combined workmen in the country did actually believe, that so far from violating the law, this clause proved that they were only pursuing a course that was strictly conformable with the meaning of the legislature. If then, it was only to set these men right, it would be highly proper that some inquiry should be forthwith instituted with this view, and that the committee charged to make it, should report to the House what would be the most eligible steps to be adopted.

He would next offer a word or two on the fifth section of the same act. That section provided, not that any such combination or conspiracy should be visited with any punishment, or be made matter of legal cognizance, but "that if any person shall hereafter by threats deter a man from his hiring, or engage in any combination or conspiracy to destroy any machinery, goods, wares, or merchandizes, he shall, upon being convicted of such offence before a magistrate, on the evidence of any two witnesses, be punished, with two months' imprisonment." Now, it surely did not require any act of parliament—he was speaking in the presence of his hon. and learned friend, the Attorney-general, who would correct him if he was wrong—to declare, that to deter a

man by threats from his hiring, or to destroy, or combine and conspire for the destruction of goods or machinery, was an offence to be made punishable in a certain way, upon conviction. Such acts were already offences by the law of the land, independent of any thing like combination; and in so far, at least, the declarations and provisions of this act were quite supererogatory. By the law of the land, some of these offences would be actual felonies; others, high misdemeanors. It was equally extraordinary, that the act should require the conviction to be on the oath of two witnesses—two witnesses being necessary only in cases of high treason and perjury; and that the punishment should be limited to two months' imprisonment. Therefore, here was a law that contemplated certain offences which had in themselves nothing, necessarily, to do with the offence of combinations—which regarded quite different questions. But, under this act—"plotting together" for the destruction of machinery—threatening even, which proceeded to menace of life or property, were no longer any criminal offence whatever; and thus, by repealing the combination laws, the acts of plotting and threatening were rendered no criminal offences at all.

Under these circumstances, he must consider, that the law of which he had been speaking was not adequate to put down an evil which was increasing to so formidable an extent; not the evil of committing the other offences to which the act had so particularly adverted, but the evil of workmen being permitted to plot, and the bold open avowal of their intention to carry such permission (as they presumed it to be) into effect, in the manner he had pointed out to the notice of the House—a manner, the most destructive, perhaps, which it was in their power to devise, to the property of their masters and employers. He did conceive that, if these misguided men could be induced, for one moment, to reflect upon what must be the inevitable consequences of the course they were pursuing, they must see that such a course of proceeding, if continued, would render it impossible for any individual to embark his capital, under risks so great as those which he had pointed out; or to submit its application to a system of tyranny and control, that no man possessing capital would for a moment choose to endure. If they would reflect on these facts, they would perceive the impossibility of their being left at liberty to pursue the career of violence and combination, in which they were now proceeding; and that they must soon cease altogether to procure employment for their own subsistence. For, so long as they persevered in their measures, capital must desert the districts in which they were carried on; and ultimately, unless the evil was arrested, the kingdom itself for other countries.

He would only add, that he would recommend to those who employed numerous workmen, not lightly to submit to such extravagant pretensions, and to feel assured, that, if the present prevailing misconstruction of the law should be thought by the workmen to justify those pretensions, the magistrates would give the masters their support against any such demands. If that support should be found inadequate, his right hon. friend would, he was sure, not fail to afford them such further assistance as might be necessary to protect them from those measures which had so fatal a tendency to destroy the property of the employers, and to dry up the sources of labour to the workmen. In what state the law with regard to combinations should be put—whether the last act, repealing all the old statutes, should, in its turn, be repealed altogether, or not, he was not at present prepared to suggest, and had not in his own mind determined: but, the necessity for inquiry did not seem, on that account, the less urgent. He should be very sorry to see all those laws, which were formerly in force on this subject, renewed; but, it might be well worth their consideration to ascertain, whether something at least more definite and effectual than the existing statute could not be devised—something that might prevent the evil he had been describing from extending itself any further than the point to which it had already arrived. This was a question that deserved the most serious attention of the House. In the mean time, he felt that, in having submitted these matters to their consideration, and called upon them, in virtue of the situation which he had the honour to fill, to give a more effectual protection, forthwith, to the property employed in the hire and application of labour, and also to the labour applied to the improvement and increase of property, he was acting in the conscientious discharge of what he believed to be his public duty. He indulged the hope, that, by the timely interference of parliament, they might prevent that in-

terruption to the public peace, which must infallibly be the consequence of their remaining any longer inactive spectators of a mischief that was rapidly increasing, and that if not speedily arrested, must be followed by the most disastrous results. He had hoped, that whatever might be the first ebullition of the feelings of the workmen, on finding themselves emancipated from some of the grievous restraints imposed by the old laws on their industry, their own good sense would have instructed them to withdraw from a path so fraught with difficulties and danger, as that which they had so unwisely adopted. That hope, he could, unhappily, no longer indulge. And it was with the expectation of thereby doing justice to both parties—the workmen and their employers—that he now moved,

for the appointment of a select committee to inquire into the effects of the act of the 5th Geo. IV., cap. 95, in respect to the conduct of workmen and others in different parts of the United Kingdom: and to report their opinion how far it may be necessary to repeal or amend the said act." He was aware that in making this motion he might expose himself to much obloquy, and the expression of much dissatisfaction among some of the parties it related to; and particularly in a place where he was most anxious to stand well, and among those who had sent him to that House. However this might be, he had only to do his duty fearlessly; and he had no doubt that, upon a little reflection, the same parties would be among those who would feel most obliged to him for having, in this instance at least, performed it.

Mr. *Hume* said, that no one had watched more closely than he had done the operation of this act, and he was not aware that he was unacquainted with any of the proceedings that had taken place after its enactment. He was satisfied, that many of the parties had availed themselves of what they considered to be the benefit afforded by it; and that many classes had gone further beyond their own interest, or the interest of the community, than could possibly be permitted. But, it did happen that, since the passing of that act, employment had been increasing; workmen had been more in demand; and these causes had tended to the mischief complained of, more than the repeal of the former laws with respect to combination. When the right hon. gentleman opposite referred to the common law, he (Mr. Hume) would say, that the prosecutions which flowed from common law were ten-fold more oppressive than those which flowed from the statute law. Formerly, if two or three persons were found together with papers, they were liable to imprisonment, and many had suffered penalty. He would call upon the right hon. gentleman to draw a distinction between two cases. There might be meetings of persons combining orderly and peaceably for proper purposes; and there might be meetings for disorderly purposes. The committee which sat on this subject, on a former occasion, drew this distinction—that it might be lawful for men and masters to meet together, to consult upon wages to be given and received in their trades; but, if three masters met to settle those wages, or three men met for such a purpose, they might be prosecuted. But, this difference existed—that out of the many cases of conspiracy against masters, none were proved, from the difficulty of procuring evidence; while the convictions of the men were innumerable. Now, if the right hon. gentleman would draw this distinction, he would show, in the first instance, what might be said under the acts of the 38th and 39th Geo. 3rd. The punishment inflicted for the offence under those acts was imprisonment for two months. The plain question was, whether this, or any other punishment, was necessary, and whether they came within the law, unless in cases where the men, by acts of violence, interfered to deteriorate the property of their masters or fellow-workmen. His opinion undoubtedly was, that both the parties ought to be free to make what bargains, and to act in what manner, they should deem the best for their own interest. He thought the law, as it at present stood, was as strong as it ought or need be; and he should, therefore, oppose any increase of its severity upon one of the parties, while the other was left at full liberty. He was sorry to say, that the Union societies in Dublin had been productive of the greatest evil. Many persons had actually been murdered; but then, he was happy to observe that, although these Union societies existed also in England, they were not attended with any such dreadful evils, as those which accompanied them in Ireland. In Dublin, if the curriers were offended with their masters, they applied to the carpenters, and marked out the

objects of their censure: if the carpenters were offended with theirs, they applied to the shoe-makers, or any other trade; and then, the unhappy individual, who was afterwards assaulted, could not, if he survived, bring any of the offenders to justice; for they were all unknown to him. To repress such a system, he thought no law could be too severe; but then, his objection to the Combination-law generally, was, that it punished the whole of the operative class for the offence of a few of its members. He admitted that the men had acted with extreme impropriety; but he thought that, perhaps, they might not have been the only persons who had so acted. In some cases, the conduct of the masters was worse than that of the men; and he would give a few instances of it. The first act of combination in Glasgow was the act of the masters. A few men of Mr. Dunlop's manufactory, in Glasgow, disagreeing with their master, he believed, upon some point of wages, they declined to continue working for him. What was the consequence? Why, the masters immediately combined together; for they called a meeting, at which the subject was discussed, and which came to a resolution to make a stand against the men. This they effected in the following manner:—They published a notice, stating, that "If the men of Mr. Dunlop's factory did not return to their work on or before Monday morning next, they (the masters) would discharge from their employ all the men, amounting in number to ten thousand, until the men who had quitted Mr. Dunlop returned to him." The workmen who had gone away disclaimed acting in concert with any others, and said, "Do not punish them for what we have done;" but their disclaimer was not attended to, and all the men in Glasgow of the same trade were actually turned out of their employment. Now, he would ask, whether the mere declining, on the part of the men, to work for their masters was to be put in comparison, for enormity, with that act of the masters? But, that was not all. The property of the masters enabled them to get the better of the men; who were at last obliged to come in unconditionally. When they did so, the masters punished their resistance in a very decided manner; for they actually deducted the loss they had sustained by this cessation of labour, from the amount of the men's wages, the men being obliged to pay at the rate of ten per cent per week, until the masters declared themselves satisfied. He asked, whether the refusal of the men to work might not have proceeded from some act performed by their masters? He knew that combinations were often carried on by both parties; but the stronger of these was the masters. A person employing a great number of men in the tin trade, in London, had occasion to find fault with one of his men for drinking, and he finally discharged the man; he was told by the man, that, if he did so, all the others would leave him; but, he persevered, and the consequence was, that all the men in the factory, amounting to 74 in number, actually quitted him on the following morning. Immediately afterwards, this person put an advertisement into the papers, in which he stated, that he wanted men, but that he would not engage any who belonged to the Union. His advertisement was answered, and he gradually filled his factory with men not connected with the Society; in this instance, therefore, the master was again triumphant. This case, however, showed something else; for it clearly proceeded upon the same spirit and principle which had been ascribed to the men. It was a regulation entered into by the masters in Scotland, that any person who quitted one factory, should not be employed in another; and that object was effected by the masters sending round to each other lists of the men who, from any cause whatever, had quitted their employment; so that no man who happened to differ with his master, could succeed in obtaining employment elsewhere. Was not this an odious combination? For his own part, he did not approve of such proceedings, whether they were adopted by masters or by men. In his opinion, both sides carried their measures far beyond the point to which they should restrict themselves—far beyond what he had hoped they would have done when the combination laws were abolished. In making these observations, he wished to establish this point—that the fault in these cases, did not rest alone with the journeymen. This being once admitted, there was no person who more heartily concurred with the right hon. gentleman than he did, in the propriety of punishing any measures connected with threats and intimidation, whether they were adopted by masters or by men. If the enactment was fair and equitable, he believed it would be re-

ceived with pleasure by both parties. Sometimes the law on the subject of combination had been so severe that it fell into complete disuse. There was a law on the subject of combination amongst the colliers which, however, from its peculiar construction, was found to be entirely inefficient. The lord-advocate of Scotland was applied to for his opinion, with respect to that law; and he expressed his readiness to try, whether it would not be better completely to remove the act. This proved, that strong and violent measures were not the best for putting down an evil of this description. Much depended on the conduct of masters towards their men; and especially on the way in which they treated their demands. If those demands were reasonable, they ought to be complied with: if unreasonable, the masters ought to make a firm stand, and to punish every one who had recourse to threats, violence, and intimidation.

Mr. Secretary *Peel* said, that he was not aware before that evening, that the committee which had sat upon the combination laws last year, had consisted of so many as fifty members. That circumstance, however, seemed in some degree to have contradicted the maxim, that "in the multitude of counsellors there was wisdom," for their report, and the measure founded upon it, had failed to convince him, that the precipitate repeal of thirty-five statutes, without substituting something for that which had been taken away, was the best course which could have been pursued. He did not mean to defend the old statutes, which were undoubtedly very defective, but he thought the law, as it at present stood, was not what it ought to be. The question now came fairly before the House; and he was happy that nothing of party, or political feeling, was mixed up with its discussion. The ten resolutions of the committee declared, that it was expedient to punish, in a summary manner, the man or the master, who by violence or threats, attempted to injure the property, or the rights of the other. The offender was to be taken before a magistrate; who, on the testimony of two credible witnesses, might send him to prison. Now, under this part of the law the criminals generally managed to escape the penalty of their misconduct; for what they did or said was done or spoken only to the master, and not in the presence of any witnesses. Why the presence of two witnesses was rendered necessary, he knew not; but so it was, and the consequence was that the law was evaded. He did not think that the whole of the evil could be fairly ascribed to the masters. He believed the system of delegation, at present existing in this country, to be an excessive and infamous tyranny. Was it fit that such a system should be longer borne? Was it fair—was it just—was it in accordance with that free trade, of which so much had lately been said, and which had been justly described as of the highest importance and benefit to this country? He asked, was it for the advantage of that free trade, so justly praised of late, that men should be permitted to refuse to sail in a vessel, unless all the crew and the mate of that vessel were members of the union? The effects of such a system were most disastrous. The master might have entered into a contract, under a heavy penalty, to sail at a certain time—he might have taken his cargo on board—every thing might be ready—and then, when he was anxious to sail, he would find himself prevented from doing so, by his crew refusing to proceed on the voyage, unless the mate was a member of their union. He might have no confidence in the members of that union, or he might have placed as mate on board his vessel, a man in whom he had the highest confidence. That circumstance would be of no avail; he would be reduced to the alternative, of either complying with the demands of his crew, on the one hand, or of submitting to the loss of the penalty in his contract, on the other. Was such a system to be any longer endured? He trusted not—but that some remedy would be applied to so gross and glaring an evil. He knew that a committee of delegates was very recently sitting in the Thames, dictating, in the most imperious manner, both to masters of ships and shipwrights. He would mention one instance of this. A short time back, four or five individuals presented themselves at the yard of a shipwright employing a great number of men, and commenced employing themselves in the works. The foreman, or one of the masters, told them, that they were not wanted. And, what was their answer? They said that they had been sent thither by the committee of delegates, and that employment must be found for them. They were again told, that the number of men already employed was

quite sufficient for the purposes of the business, and they were desired to retire. The consequence was, that all the men in the service of that shipwright quitted immediately afterwards. The same thing was done in other parts of the country. One object of the combination was manifestly injurious to the men, who were, however, deluded enough to attempt to obtain it—that was, the indirect establishment of a maximum of wages. If that could be done, the men would be the principal sufferers: for the active, industrious, and powerful man ought, undoubtedly, to gain more than the slow, the idle, or the weak workman; and yet the reverse would be the fact, if their intention could be carried into effect. The old and the young, the strong and the weak, would then receive the same remuneration for their labour, and the men would have succeeded in establishing the worst principle that could be applied to the regulation of wages. He knew of a case where the safety of a vessel had been in danger by a combination existing among the men, in consequence of which they conceived it to be inconsistent with the rules of a certain society to give their assistance in the particular manner required. That assistance was obliged to be procured from other individuals, who were very largely paid for it. Such a system was injurious to property, and if carried into operation, might be destructive to life. The evils it occasioned to both parties were extremely great; and, for the benefit of the men themselves, he thought the system ought to be repressed. He called on the House to look with calmness to the present existing circumstances, and without reference to party or to prejudice, to say what was the extent of the evil, and what was the nature of the remedy that ought to be applied. If they did so, he was confident the result would be highly beneficial to the country. Indeed, he believed that the promulgation of the discussion of that night would have a most excellent effect on the minds of the deluded men who had entered into these combinations, and that they would find it their interest to abandon such combinations in future. The effects that had been produced in Dublin were terrible in the extreme. In the course of the three last years no less than ten lives had been lost in consequence of these combinations, and not one of the persons connected with these murders had been brought to justice. He thought, therefore, he was justified in saying, that they produced the effect of breaking the bonds of civil society, and of reducing men to that state, in which force was the only arbitrator of all the differences. The horrid details of the manner of committing these murders had been stated by the hon. member for Aberdeen, who had said, that the curriers, when offended, applied to the carpenters to avenge them, in consequence of which the sufferers could not know the persons by whom they had been assaulted. He thought such a state of society dreadful in the extreme, and the sooner it was put an end to the better: The men had attempted to regulate the number of apprentices that their masters should receive; and twelve having been the limited number, the master who took thirteen rendered himself obnoxious, and was thought deserving of punishment. They had also attempted to regulate the number of the machines employed by any master, if not, to put a stop to the employment of machinery altogether. In the case of Mr. Robinson, a very extensive iron manufacturer, who had constructed a machine by which nails could be made with great rapidity, the men had determined to prevent the use of those nails which he manufactured. The nail-makers, therefore, assembled a meeting of three thousand men of other trades, who promised, that if their masters would oblige them to use Robinson's nails, they would drive them in crooked. This took place in Ireland; and the consequence was, that instead of the nails used there being manufactured in that country, they were obtained from Birmingham; so that the introduction of English capital into the labour of Ireland, which was so beneficial a measure for that country, and which had taken place in this nail-manufactory, was rendered totally ineffectual and useless.—The fact was, that there existed the strongest necessity for a law to repress combinations—a law which should equally bind both masters and men—which should be founded in principles of the most perfect equality of punishment, and which should provide an efficient remedy for this disgraceful system of combination. The men should be prevented from attempting to regulate that of which they knew nothing; while the masters should, at the same time, be prohibited from combining together, so as to affect the interests of the men. He should therefore support the motion, for a committee to examine

into the effect of the repeal of the combination laws; and he thought the present a fit time for the purpose, as the question could be considered carefully, and the evils, and the best means of checking them adopted. As the law at present stood, he could only say, that in case of any actual violence committed, he would, as Secretary of State, give every civil—aye, and in cases of necessity, every military assistance that could be afforded to the parties. But he had no doubt, that when he said this to the masters, they would answer him, by declaring, that it was not open violence they feared: that the men attacked their interests, and injured their property, by combinations, producing a more silent, but not less certain effect. In such cases, all that he could do was, to advise the masters to enter into counter combinations, by which they might succeed in defeating the objects of the men. That they might succeed by such counter combinations there could be no question; but, then, the feeling of amicability and good faith, which ought to exist between masters and men would be destroyed; and he therefore gave such advice with the utmost reluctance, because he felt, that, by establishing these counter combinations, the amount of evil was only increased, and yet, however, without them the masters, under the present system, could have no protection. He had lately received from Ireland proofs, too conclusive to be doubted, of the evils of such a system; and he did think, that there was a party to whom no allusion had yet been made, whose case was, however, well deserving the attention of the House. He alluded to the situation of any man, who, in the midst of these combinations, should resolutely adhere to his master. Such a person would be the object of universal hatred among the men; and he did think that there were more than twenty towns in that country, where such a man could not appear with safety after night-fall. Could there be a stronger case for the intervention of the legislature than this? He thought not; and he was glad to observe the unanimity which prevailed in the House, respecting the impropriety of combinations of all kinds. He trusted, that after the evils of such a system had been exposed in the manner they had that night been, the men would listen to argument, and be convinced of the impropriety of their conduct: that they would feel how hostile it was to their own interests; and that they would of their own accord abandon it; if not, he trusted the result of the deliberations of the committee would be a law equally for the benefit of the masters and the men—a law which would prevent that system of combination, than which nothing was more injurious to the true interests of this country.

Mr. *Hudson Gurney* defended the conduct of the committee upon the combination laws. He said, the president, or vice president, of the Board of Trade, and another right hon. gentleman connected with administration, attended all its sittings, and that they had come unanimously to the resolutions which closed their inquiries, with the full approbation, as he then understood, of all those right hon. gentlemen. He deprecated the re-enactment of the abrogated statutes; and could not attribute the lives lost, according to the right hon. gentleman's statement, to their repeal; his instances being from Ireland, where the committee had in evidence, that the same violences had always taken place. From the men, they had learnt, that in these Irish combinations their first proceeding was, to swear to secresy; and from the lord mayor of Dublin, that the magistrates had ordered men, whom they suspected of having met to combine, to be publicly whipped through the streets. It had been most distinctly established before the committee, not only that the combination laws did not prevent the evils complained of, but that they, in fact, had tended very greatly to aggravate them.

Sir *M. W. Ridley* said, he was not a member of the former committee; but he was of opinion, that much misconception had arisen with respect to the labours of that body. His right hon. friend (Mr. Huskisson) had, in more instances than one, corrected statements which had emanated from the committee. During the time of the disturbances in Glasgow, a letter had appeared from his hon. friend the member for Aberdeen, calling on the workmen to observe a strict adherence to the law. But the workmen, he believed, did not know what law they were to obey. It was asserted by some of those persons, that Mr. Hume had repealed all the combination laws; and that therefore they felt they might do just as they pleased. They imagined that the committee had gone much further than they had ever contemplated to go. The House was told, that, if the masters, pleased they might easily put down any

combination; because if they resisted and stood firm, the public would stand with them. That was very true; but it should be recollected, that, in the mean time, their business went to ruin. He was glad to have an opportunity of speaking favourably of the miners and colliers; bodies with whom he was intimately connected. They had not latterly endeavoured to place themselves in a state of opposition to their employers; on the contrary, those who had engagements for the year did not, under any pretence, attempt to alter them. There was, at present, in that House, a strong desire to adopt the principles of free trade and commerce; and he was sorry to say, that some of the parties out of doors, who appeared to be most anxious for the extension of those principles, were the first to defeat their own object, by agreeing to plans of combination. He was in favour of the committee; and trusted that their labours would have a successful result.

Mr. *Trant* conceived, that the appointment of a committee to investigate this subject would produce very beneficial effects.

Mr. *C. Grant* said, that the discussion which had taken place must convince every gentleman present of the necessity of inquiry. As one of the former committee, he must express his regret, that those persons, whose interests that committee had endeavoured to serve, had abused the kindness which had been extended to them. The House could not consent to allow the existence of the vicious and abominable abuse which had been, for some time, in progress. Every thing should be done to put an end to it; and he, for one, would gladly coincide in any measure which seemed likely to effect that object. Those misguided persons ought to know, that they were not only injuring their own interests, but doing all they possibly could to induce the House to return to the old system, which had been so recently abolished. He, therefore, thought that no language was too strong for the reprobation of the conduct which had been described in the course of the evening. He regretted that so much had been said on the labours of the last committee; for it would appear as if it were intended to cast some reflection on their decision [no, no]. He was one of the fifty members of whom that committee was composed; but he believed not more than half that number attended it. When he entered into that committee he did so with a determination to make an impartial inquiry into the nature of the combination laws; and, after giving due consideration to the subject, he conscientiously felt that their abolition would be advantageous. No one would stand up and palliate the excesses which had been committed since those laws were repealed; but, what he would contend for was, that the system which prevailed before the revocation of those laws did not produce calmness and tranquillity. Had the House at large had an opportunity of seeing the witnesses come trembling before the committee, for the purpose of giving their testimony, it must have seen the necessity for the repeal; if it were wished, that men could be allowed to exercise a calm and deliberate judgment. The old system was a system of terror and compulsion, and this was the ground on which the committee had proceeded in recommending its entire abolition. It was proved before the committee that evils did exist under those laws, which it was necessary to put down. He therefore said, "let those laws be abrogated — let us bring the matter to a point, as a question between man and man—between master and servant." He was sorry to find that those kindly feelings did not exist between the two parties concerned, which ought to characterize them. But, he must say, that it was not the revocation of those laws that prevented the existence of those desirable feelings. He was prepared to expect some re-action of feeling when the combination laws were removed — he thought that some effervescence of feeling might arise amongst the people; but, he certainly did not expect that those to whom considerable advantages were given, and for the protection of whom the new law was framed, would have acted as they had done. It was said, that the new act had revoked the common law on the subject of combination. He could not speak very scientifically on this question; but, the result of his consideration of it was, that the act did not, generally speaking, put an end to the common law, though it did in one or two instances. This act surely did not exclude sailors who refused to proceed with their vessel from the operation of the common law. He believed that a seaman who refused to proceed with his ship, after having agreed to make the voyage, was utterly out of the provision of this act, and would be just as amenable

to the law as at any other period. It was of great importance that a committee should be formed, and that inquiry should be made as to the effects produced by the act of the hon. member for Aberdeen. Because, while they attempted to do justice to one set of persons, they ought not to suffer themselves to be deluded— they ought not to seem to lend themselves to the abuses which those individuals might commit, under a measure which they owed to the kindness of the House. Under these circumstances, not only was the right hon. gentleman justified in bringing forward his motion; but if he had neglected so to do, he would have been guilty of a dereliction of duty.

Mr. *Lambton* gave his thanks to the right hon. gentleman for bringing forward this question. At one time the combination system, in the north, had proceeded to a very alarming extent. The measure of his hon. friend the member for Aberdeen, it was clear, had not answered the chief purpose which he had in view; and therefore he considered, that the right hon. gentleman was doing great service to the country, by directing the attention of parliament to the subject. He trusted such measures would be adopted, as would effectually secure persons engaged in every species of trade, from the dangerous effects of combination.

Mr. *Huskisson* wished to say a few words in explanation. He had not any objection whatever to the decision of the former committee. The combination laws were, at the time that committee was formed, in a fit state to be considered; and he had on this occasion only described the evils which he thought had grown out of the law as it at present stood. The tenth resolution of the committee was, he conceived, a very proper one. It was a resolution which he would have supported. But, it appeared to him, that the act of parliament executed very imperfectly the object to which that resolution referred. Great misconception had gone abroad with respect to the act; and that misconception had created very prejudicial effects in some parts of the country, where the law, instead of producing the advantages which were expected, had really been the cause of mischief. There was only one other point which it was necessary for him to notice, and on that point he was anxious not to be misunderstood either by the House or by the public. The hon. member for Aberdeen had called on him not to visit with severity the faults of a few on the heads of the many. The hon. gentleman required of him not to punish the whole mass of the community amongst whom there must necessarily be very many who had not been guilty of any excess or abuse since the passing of the new act. This was a fact to which he was perfectly willing to subscribe. He not only did so, but he would tell the hon. gentleman, that he had no intention to visit any class with severity or punishment. He was not going to propose new penal laws. What he wished was, to draw the attention of the committee to those laws which regulated the situation between masters and workmen. He was anxious to save from the consequences of their own delusion, even those who had acted a culpable and improper part. It was really as the friend not as the enemy, of the workmen, as well as of the masters, that he proposed this inquiry. He considered this to be a question entirely disconnected with party-feeling — as one with which the best interests of the country were intimately connected; and he thought those interests would be placed on a surer and better footing, if the existing law were revised and altered.

The motion was then agreed to.

HOUSE OF COMMONS.

Wednesday, March 30.

Joint-Stock Companies — Mr. F. Buxton and Mr. Robertson.] Mr. *Fowell Buxton*, seeing an hon. member in his place, wished to call his attention to certain observations which he had made respecting him in the course of last evening's discussion. The hon. member had charged him with being the champion of several Joint-Stock Companies, some of them calculated to bring ruin on the parties concerned. Now, he called upon the hon. member either to retract that charge, or to state the grounds on which he made it. For himself he wholly disclaimed the imputation.

Mr. *Robertson* was proceeding to address the House when he was called to order by

The *Speaker*, who expressed his doubt, whether, according to the orders or forms of the House, such a question should be put or answered. If it should not, he apprehended this conversation ought to go no further.

Mr. *F. Buxton* said, he would leave it to the decision of the chair. He had called on the hon. member privately, and explained to him the total want of grounds for the charge, and was anxious that the hon. member should express his impressions on the subject to the House.

QUARANTINE LAWS BILL.] Mr. *C. Grant* moved the order of the day for the second reading of the Quarantine Laws bill. The right hon. gentleman made a statement to the House, but in so low a tone of voice, that not a single observation reached the gallery.

Mr. *John Smith* said, he hoped the House would lend their attention for a little to this very important subject. The proposed measure had his most cordial approbation; for he was satisfied, that considerable delusion respecting this measure existed in the country. His only objection to the measure was, that it did not go far enough; for he was of opinion, that it would not be unsafe to undo still more of the Quarantine laws; and he would state, as shortly as possible, his reasons for that opinion. Dr. Maclean, who had greater opportunities of examining the nature of the plague than any man living, had declared it not to be contagious; and had likewise stated, that the question, as to its contagious or non-contagious quality, was not so much a question of science as a question of fact, on which any man, who was in the habit of weighing testimony, was qualified to decide. It had been understood in England for many years, that the contagion of the plague was capable of being conveyed in clothing and in goods from one country to another, and that cotton, either in a raw or in a manufactured state, was the medium by which it was most easily conveyed. Now, although he was unqualified as a medical man to decide that point, he was able to state as a matter of fact, that there never had been, and that there never could be, an instance of the contagion of fever being conveyed by clothing or goods of any kind. He might urge as a proof of this position, that Holland, which of all our commercial rivals traded the most to those parts of the world in which the plague was most prevalent, had never thought it requisite to enact, and in point of fact did not possess, any Quarantine laws. This assertion might appear extraordinary to some persons, but he would repeat it, with this addition—that what was called quarantine in Holland, amounted to nothing, as it never extended to more than three or four days' duration. He had a document at that moment in his hand, which showed, that a vessel, which had arrived at Amsterdam, or some other port of Holland, with an unsound bill of health, was permitted to discharge her cargo within three or four days after her arrival. As far, therefore, as the example of Holland went, it was evident, that no danger had arisen from the importation of goods from countries visited by the plague. He would mention another fact, which could not be disputed, in confirmation of his argument. There was not an instance of any individual, who had examined into the lazarettos, having any fever at all since their existence in this country. Mr. Turnbull, our consul at Marseilles, had informed him, that though the coast of France in his neighbourhood was peculiarly liable, from its situation, to contagion, supposing contagion to exist, and though vessels were almost daily arriving at Marseilles from the plague countries, there was no instance of any expurgator having taken the plague since the year 1729. In that year an individual, who was opening a bale of cotton, suddenly dropt down dead. It was said, that the contagion was so strong that it killed him immediately: but the circumstance admitted of a more natural explanation; it was probable that the man had died in a fit of apoplexy. With regard to other lazarettos, it had not been in his power to make the same inquiries; but he had little doubt that, if they were made, they would be attended by similar results. It was stated by Dr. Maclean, and also by other gentlemen, acquainted with the affairs of Turkey, that at Constantinople, when thousands of victims were dying of the plague, their clothes, which belonged as a perquisite to the Cogia Basha, were regularly sold by him in the public market, and purchased by those who were unaffected by it. At Aleppo, too, it was notorious that the plague was often prevalent. From that city caravans passed with goods into almost every part of Asia. There was no instance on record of the plague ever having been communicated by means of those caravans. Though Aleppo was often in a deep state of misery from the visitation of the plague, the caravans regularly departed laden with goods; and

yet there was no instance known of those caravans ever carrying the plague into the populous regions which it was their business to traverse. There was a considerable intercourse between Turkey and Persia; and yet, though the former country was often a sufferer from the plague, that horrible visitant had never made its appearance in Persia. Looking, then, at these facts, he would ask the House to consider whether no better cause than contagion could be found for the diffusion of the plague. Many doubted whether the disease which ravaged London in 1665 was the plague or not. Yet, even if it were the plague, it might be accounted for by the mode of living which at that time prevailed in England. They knew that in the reign of Elizabeth her presence-chamber was strewed with rushes, and that the usual diet of the ladies of her household was salt fish, hung beef, &c. From such circumstances it might be easy to conjecture what the habits and diet of the common people would be in little more than half a century afterwards; and under such habits and such a diet, coupled with the want of cleanliness and want of room which then existed in London, it could not be surprising that a fever, with all the appearance of plague, should have sprung up in the first instance, and diffused itself widely in the second. Now, let them apply these circumstances to the inhabitants of Smyrna, and the other towns on the coast of Asia Minor. In those places the same want of cleanliness, the same disregard of wholesome habits, the same carelessness about diet, now prevailed as had formerly prevailed in London, and were in themselves sufficient to account for the prevalence of the plague among them. It was curious to observe, that the manner in which the plague rose and disappeared was perfectly consistent with these causes. It generally broke out in the poorest and most confined parts of the town, in sultry weather, and began to disappear as the heat decreased. Indeed, if it were not dependant upon some such cause, it was evident that the plague, supposing it to be contagious, must long since have depopulated the globe.—He would now say a few words upon the opinions of medical men upon this subject; and he would take them as he found them stated in two reports made upon it by select committees of their own appointing. In the year 1811, on the motion of an hon. baronet who then represented the town of Dover, but who was now no more, a committee was appointed to examine into the state of the Quarantine laws, and that committee determined, with only one dissentient voice, that the plague was contagious. In looking over the evidence which was appended to their report, he found that the physicians examined before it, were all, with two or three exceptions, in favour of the doctrine, that the plague was contagious; and he believed that it was upon the opinions expressed by the physicians, that the committee formed the report which they afterwards submitted to the House. Since that time another investigation had been instituted into the subject, and the last investigation differed from the first in this important particular—that on the first none but contagionists had been examined, and that on the second the anti-contagionists, if he might use such an expression, were also allowed to be heard. There was this remarkable circumstance in the evidence of the contagionists—they agreed with wonderful unanimity, as to the existence of contagion, but differed most miraculously in their account of its nature, its symptoms, and its causes. The inference which he drew from that circumstance was this—that the question on which they gave such round and decided opinions was not properly understood; and his reason for making that statement was, a hope that the moment would be hastened by it, when their former inquiries might be reviewed and be brought by renewed exertions to a satisfactory conclusion. The existing system of Quarantine law, unless it was justified by necessity, could be justified by no other reason. It was prejudicial to the best interests of the country; it obstructed commerce; it impeded science; and it was injurious to those who travelled either for business or for pleasure; it was connected with many superstitious feelings; and, in regard to the increasing commerce we were now carrying on with Egypt, he would say, that it would be utterly destroyed, if some alterations were not made in our Quarantine regulations.—He repeated, that he approved of the alterations now proposed, but was sorry that the Board of Trade had not considered it right to carry them further. The system was capable of further improvement; and he trusted that it would not be long before such improvement was effected. Since the year 1819,

he knew from his own personal observation, that the number of medical men who had changed their opinion on the doctrine of contagion was very great. That was not the time for him to refer to the authority of Dr. Maclean; that gentleman, whom he was proud to call his friend, possessed more knowledge on the subject than any other man, and, notwithstanding the prejudices and professional jealousies which he had to encounter, he had made many converts to his opinions. To confute the extraordinary delusions which were abroad upon the subject, he referred to some statements which he had received from Dr. Armstrong of Russell-square, who was more conversant with cases of fever than any other physician in the metropolis. Dr. Armstrong stated, that not a year elapsed, in which he did not visit some hundred cases of typhus fever, that the symptoms of it were the same as those of the plague in Egypt, as described by Asseretti, and yet that in no instance had he ever suffered by the contagion. It was the knowledge of these facts that led him to express his sorrow, that government had not gone further in their improvement of the Quarantine system, than they had done. At the same time, he must mention a fact as illustrative of their practical conduct on this point, which he considered as highly to their credit. A vessel had arrived at Liverpool with a foul bill of health. According to the Quarantine regulations, it ought to have remained fifty or sixty days without unloading its cargo. Now, this foul bill of health had not arisen from any of the sailors having been sick on the voyage, but from a single old woman having died of a fever, which some people called the plague, at the place from which this ship sailed. That circumstance made all the ships foul which sailed from that place; and the consequence was, that several of them, which had cargoes on board, did not sail at all. The vessel in question had, however, come to England; and on its owners making a suitable representation to the proper quarter, it had been allowed to unload, and had since sailed on another voyage. He thought that government had acted very wisely in dispensing with the regulations upon that occasion; and he trusted that they would not hesitate to exercise a similar discretion, whenever similar facts should seem to require it. In conclusion, he called upon the House to review its former inquiry, either by praying the Crown to appoint a commission, by forming a select committee, or by some other similar measure.

Mr. *Wallace* observed, that he could not pledge himself, on behalf of his majesty's government, to comply with the concluding request of the hon. member for a renewed inquiry into the Quarantine laws. If there was one subject which, more than another, deserved the most serious consideration, it was this branch of our commercial regulations. It was, therefore, his opinion that the inquiry should be delayed as long as possible, when new lights and new experiments would enable them to proceed with greater confidence, in so delicate and difficult a question. Notwithstanding all that had been said by the hon. member the greatest difference of opinion, as to the contagion of the plague, existed amongst the most eminent medical men. Many of those who were adverse to the theory of contagion, admitted that they now entertained doubts. The very existence of these doubts was enough to deter government from hazarding any alterations, which would have the effect of unhinging our securities against the plague. It was too fearful a responsibility, for government to introduce, upon theories, the plague into a dense population, where, in crowded and close manufactories, it might be very destructive, for the sake of any commercial advantages whatever. Government would be a good deal relieved, if any considerable number of medical men concurred in recommending a repeal of the Quarantine laws. The opposite opinions might then be discussed. But, in the absence of such recommendation, there was so much danger in the first step, that he could not recommend its adoption. It was but fair to state, that great doubts were entertained whether or not the plague would subsist in this climate; but, until these doubts were wholly removed, he did not think it safe to repeal all the restrictions. He was therefore opposed to any further inquiry, until a stronger case was made out by the medical men for an alteration of the law.

Mr. *Hudson Gurney* said, that this bill was directed to two objects, neither of which he thought could be reasonably objected to—first, the taking off certain fiscal charges unfairly laid on vessels from the Levant—and, secondly, the exempting from Quarantine vessels coming from

certain European ports, where, the Quarantine regulations being stricter than ours, there existed no necessity for further precaution.—The Board of Trade, under the law as it stood, exercised a very wide discretion as to imposing or relaxing Quarantine; and the present bill continued to them the same powers.—But, he was astonished to find that the wild theories of Dr. Maclean, as to the non-contagious nature of the plague, were again to be broached in that House.—He was a member of the committee of 1819, moved for by the late sir John Jackson—a strenuous convert to Dr. Maclean's doctrine—and, after hearing the evidence of many physicians, and many gentlemen who had been long in the East,—that committee came to their conclusion unanimously, to reject the proposed report of their chairman, and to report that in their opinion, the Quarantine laws could not, with any safety, be materially altered.—The college of physicians, he knew, had expressed to the government the same opinion. In fact, it was notorious to all mankind, that there was not a country or climate under Heaven, which had not, at one time or other, been visited by the ravages of pestilence. The manner of its introduction sometimes was, and sometimes was not, traceable; but, as all evidence and all tradition agreed in proving it to be communicable, though capriciously, from subject to subject, it was too much to be called upon to believe that Dr. Maclean, when shut up in the plague hospital at Constantinople, was infected with the disease, by the south west wind. In fact, the whole foundation of the doctor's authorities, the fable of the Council of Trent included, may be found in the pamphlets of the year 1721, when the precautions ordered by government, at the recommendation of the physicians, in consequence of the plague of Marseilles, were found inconvenient and vexatious to the citizens of London.—Mr. Gurney said, that he was credibly informed, that the most zealous of the doctor's medical coadjutors, the writer on the subject, in the Westminster Review, having been appointed physician to the Fever Hospital, had unfortunately exemplified the correctness of his own non-contagious theory, by catching a non-contagious fever, and communicating it to four individuals who nursed him in succession. It was quite curious to see how extremes meet; and that the ultra-philosophers of Westminster have at last arrived at the wisdom of the Turks.—He said, he had been at the British Museum, in company with a gentleman who had seen more of the plague than any other individual now in England. They had examined together cotemporary accounts of the plagues in London, and that gentleman said, that, in every particular, the symptoms mentioned were identical with those of the disease in the Levant. A sort of partnership had taken place between an English house and the Pacha of Egypt, an immense consignment of cotton took place from Alexandria to the port of Liverpool; but, when we considered the denseness of our population, and the rapidity of our communications, there could not be a greater insanity, than, for the sake of any commercial gains, to risk the horrors consequent to the introduction of that most dreadful contagion, merely from the absence of reasonable caution.

Mr. *Hobhouse* expressed his entire conviction, that the more fully this most important question was discussed, the more persuaded would the enlightened part of the community be, as to the necessity of a change in the Quarantine laws. Indeed, from the progress that sounder views were making in the public mind, he had every reason to anticipate, that no very long period would elapse, before the House and the country at large, came to a conclusion the very opposite of that drawn by his hon. friend who spoke last. If they looked into the phenomena that attended the great plague of London, they would see exactly that, from every account of that dreadful calamity, it manifested the same symptoms, and evinced the same results, as were observed in the plagues of Egypt. The new comers were generally attacked; while others were not affected at all. There were portions of London and its vicinity in which the disease made no appearance, though there was a very active communication between the parts where the disease raged and where it was not felt. The villages of Hampstead and Highgate were wholly free from the malady; though the intercourse with the metropolis was not for a moment suspended. Another similarity was most remarkable, and which, in his judgment, extinguished the very idea of contagion, namely, that the plague of London, in the same way as in Egypt, ceased altogether when the disease was at its greatest height. In Egypt it was ascertained, that the dis-

order decreased as the waters of the Nile increased. On what principle of an infectious disease was it possible to reconcile such an effect? It was true, that for some years, most eminent professional men did believe that the plague was a disease that was communicated by contagion. But, when the question had been brought before the world recently, some very able men had laudably stated, that their ideas had changed. Amongst those was Dr. Rush, of the United States, who had most meritoriously published a recantation of his former opinions, as the best reparation he could make for the support he had previously given to the delusive views of contagion. But, it was a mistake to state that in ancient times the plague was so considered. It was only after the Council of Trent that such a belief prevailed. The most accurate investigators had, in his opinion, satisfactorily proved, that it was attended with all the phenomena which accompanied epidemic diseases. In the great plague at Malta, in the year 1813, it was found that, on one spot of that island all the residents died, while in another village, not very distant, none of the inhabitants were attacked. It was said, that Dr. Maclean, the enlightened anti-contagionist, had himself been infected with the plague at Constantinople: but, those who made that objection did not state the fact, that though the doctor was afflicted, yet of nineteen medical and other attendants, who waited on the sick, and actually resided in the Pest House Hospital, not one of them was attacked, while Dr. Maclean, who was not in such close contact, was diseased. His hon. and gallant friend (sir R. Wilson) would bear witness to what he himself had seen in Egypt. It was well known, that the French physician, Dr. Asseretti had inoculated himself with the plague virus, but the infection did not take place. Napoleon Bonaparte had repeatedly touched the pustules of the deceased soldiers, and with perfect security. It was well known that there was a line of demarkation which cut off Upper Egypt, beyond which the plague never passed. But, notwithstanding his own conviction on the point, he still considered that his majesty's government were proceeding quite right in not incurring a responsibility. He had no doubt, however, that the time would shortly arrive, when his hon. friend near him, and all the old ladies in England, would go to bed and sleep without the least fear of having the plague introduced into the city, by unpacking a bundle of rags or a bale of cotton from the Levant. These Quarantine regulations were attended with a very great public expense, besides a great commercial injury. The regulations against the communication of the plague at Malta, had cost no less than a million of money. In Spain, a very great change of opinion had taken place relative to the character of the yellow fever. It was true that certain physicians had contended for the necessity of guarding against its spread as contagious. But the whole of the professional men at Barcelona, where Dr. Maclean was at the time, held a contrary opinion. With respect to the opinions of professional men, there were many reasons why much confidence should not be placed in their conclusions. Such men were generally under shackles from their very calling, and were rarely found the friends of improvement. But he would say of that individual whose name had been so deservedly eulogised that evening —he meant Dr. Maclean—that he was one of those extraordinary persons, destined, as well from vigour of intellect as unremitting exertion and industry, to create a great change in the world, and to whom, in future ages, the finger of the historian would point, as one of the greatest benefactors to his species.

Mr. *Trant* said, that in passing up the Red Sea, and travelling in Egypt, he had accquired some experience connected with this subject. When he was in Cairo, he was given to understand, that the plague generally broke out in June. The christians believed, rather superstitiously, that it was always on St. John's day. But a fact which was less scrupulously believed was, that it generally broke out in the quarter of the Jews; and the reason given for that was, that those persons bought all the old clothes, and among them those of the parties who were the first infected. However that might be, the rage of the disorder among the Jews was attributed to their traffic in old clothes. The House would compare that fact with the arguments of the hon. member for Westminster, who seemed to consider it impossible that bales of goods could communicate it. As to the fanciful line which prevented the march of the disease into Upper Egypt, it had been his fortune to see that violated also. The line itself was purely imaginary; and the fact had

no foundation but that of Mahometan superstition. The people of that religion asserted, and believed, that the plague could not pass beyond the latitude of Mecca; because that was the city of their prophet. Now, when he was making his way through Upper Egypt, the plague was raging as far south as Mocha, though that was a circumstance which had not been known before within the memory of man. The plague prevailed at Alexandria while he was there. A surgeon with whom he was acquainted disbelieved the theory of contagion, and went among the patients in the hospital. He did not then take the infection, but wishing to push his experiments to the utmost, he got into a bed which had been occupied by one who had the infection. He did then become infected, and he died in consequence. General opinion, however, attributed the disease to atmospheric influence.

Sir *Robert Wilson* said, that when he went to Egypt, the impression on his mind was, that the plague was contagious; but he was soon satisfied of the contrary. When he was in Egypt, the army formed two divisions. The one which was stationed at Alexandria took the plague; the other, which was generally in motion, was not touched with it. The difference was attributed to atmospheric influence. The Turks had no hesitation in entering the infected places. The bodies of those who died of the plague were buried in their clothes, and were generally dug up and stripped by those who had less fear of the consequences. The moving division of the British army passed through villages infected with the plague, without being touched with it. Still, it was not the business of government to attempt to force public opinion upon a subject of this nature. They ought rather to endeavour to soothe apprehensions, however ill-grounded. He would, however, strongly recommend, that the officers appointed to enforce the Quarantine laws, should be placed under regulations which would entirely divest them of any suspicion of being actuated by interested motives in their conduct.

Mr. Secretary *Peel* observed, that the subject was one involved in great doubts. He did not distinctly understand what was the theory which the gallant general drew from the facts he had stated. Of the two divisions of the army, of which the gallant general had spoken, one was stationary and affected by the plague; the other in motion and not so. But, as the latter passed through villages infected with the plague, how was it if, as the gallant general said, the state of the atmosphere caused the plague, that the soldiers escaped?

Sir *R. Wilson* replied, that it appeared to be one of the extraordinary phenomena of this disease, that persons who remained stationary were liable to it, and that those who passed rapidly through various currents of air escaped it.

Mr. *Hume* observed, that the principles of the Quarantine laws appeared to be very incorrect. Further inquiry seemed indispensable. The opinions of medical men differed exceedingly on the subject; but he would certainly prefer the opinions of those who had visited the countries in which the plague occasionally showed itself.

The bill was then read the second time. —The House adjourned to the 14th of April.

HOUSE OF LORDS.

Wednesday, April 13.

Roman Catholic Claims—Petitions for and against.] Lord Rolle presented a Petition from the inhabitants of great Torrington, Devon, against the proposed law for the relief of the Catholics.

The Bishop of *Exeter* (Dr. Carey) said, he had several petitions to present on this subject, which were not from the clergy, but were signed by dissenters of every denomination. The first was from the inhabitants of the parish of Kenton, in the county of Devon; the second from the churchwardens of St. Lawrence, Exeter; and the third from the inhabitants of North Bishop; all praying, that no further concessions might be granted to the Catholics. The fourth petition he had to present was the only one concerning which he expected to hear a dissentient voice, as it was from that proscribed body, the clergy. In common, however, with all his majesty's subjects they had a right to petition. They came before their lordships not to offer advice; and it was one of the most essential privileges of the people of this country, that the doors of parliament were open to their petitions. The petition he had to present was from the archdeacon and clergy of Totness, Devon. The petition had been agreed to by all the clergy of the archdeaconry, regularly assembled, with only one dissen-

tient voice. He particularly mentioned this, because he understood the noble baron opposite had a counter-petition from that dissentient to present to their lordships.

The humble Petition of the clergy of the archdeaconry of Totness:

"That your petitioners are incumbents and curates in an extensive district of the diocese of Exeter. That they conceive it is their clear and indefeasible right, in common with the rest of his majesty's subjects, humbly to submit their sentiments to your right hon. House, whenever their judgment or their conscience shall direct them so to do:—That they are sincerely desirous to live in peace and Christian charity with religious sects of every denomination; to allow them the most absolute toleration in the profession of their faith and in the exercise of their religious worship; together with every political privilege that is consistent with the security of the establishment:—That they do not presume to interfere with, advise, or remonstrate, upon the resolves of the legislature; and, on questions of a purely civil nature, they would feel great reluctance to intrude on the attention of your right honourable House; but viewing with real alarm the unlimited claims of the Roman Catholics of Ireland, they cannot refrain from stating to your right honourable House their firm belief, that that body cannot be intrusted with framing and administering the laws of this country, without imminent danger to its church; and therefore your petitioners humbly pray, that no further concessions be granted to their demands, that may not be accompanied by such well-considered securities, as will protect equally inviolable the established religion and rights of the clergy in all parts of the united kingdom."

Lord *King* said, he would take that opportunity of doing justice to the archdeacon of Totness, one of the persons whose signature was to the petition their lordships had just heard read. He (lord King) had stated to their lordships, that several of the clergy of the diocese of Exeter held civil situations, and that this practice was a bad one. He was happy to have this opinion confirmed by the practice of the archdeacon, who was an alderman of Totness, but he had resigned his gown, and he was happy to take that opportunity of expressing his satisfaction at what the archdeacon had done.

The Bishop of *Exeter* said, he had also heard that the archdeacon had resigned his gown as an alderman. While he acknowledged the propriety of this proceeding, he must also observe that he believed no man could have acted more honourably and uprightly in his office, than that reverend person had done; and that he was thoroughly convinced he never administered it with a view to temporal advantages, or lent himself to any political views.

Lord *Rolle* said, he could assert, that a more worthy man than the individual whose office had been made the subject of animadversion, never lived. It would be well if the noble lord on the other side would point out many instances of such commendable conduct.

Lord *King* explained, that he had no other object in view in mentioning the subject, but to do justice to the archdeacon, and to praise him for what he had done.

The Bishop of *Exeter* signified, that he understood the noble lord's observations to be of the nature he had described them.

Lord *Holland* said, that the petition which the right reverend lord, or his right reverend friend, if he would allow him to call him so, had just presented, and which had just been read, was a petition from the clergy of a district in his diocese, praying that their lordships would continue the restrictive laws against their Roman Catholic fellow subjects; and as it had been said, and very properly, the clergy had as good a right to petition as any of his majesty's subjects, he could not anticipate any objection to a petition from a clergyman, the prayer of which was in opposition to that which had just been presented. The learned and reverend prelate had, in presenting the petition, described the petitioners as the proscribed clergy of the church of England; he knew not in what sense the right hon. prelate had understood the word, nor in what sense the clergy understood it; but the petition he had the honour to present, did really come from a clergyman, who might justly be called proscribed. And this he should not say, if he had not proof of the circumstances of the case of the petitioner, who had considered this question as he had a right to do, to be, not one of a religious, but of a civil nature. It was the petition of the Rev. John Pike Jones, curate of North Bovey, in Devonshire; and he came before this House not as a curate, but a subject and a citizen.

His petition was more deserving the attention of their lordships, as, in consequence of having formerly shown his zeal on the same question, he had found himself precluded from obtaining promotion in his profession; he had appeared before their lordships as a petitioner on that occasion, and then complained of being a proscribed man, and appealed to their lordships for justice against persecution, for having done, not in his character of a curate, but in his character of a freeholder, what his conscience dictated, in favour of the claims of his Catholic countrymen; for having, at a public meeting, urged arguments in favour of those claims; arguments which he (lord Holland) thought unanswerable; or, perhaps, for some false report of what he said there, was this humble curate excluded from all preferment by the bishop of his diocese. He must say, it was not by the present bishop; he thought no man at present on the bench more incapable than the right rev. prelate who had presented the petition from Totness, of using his power in any such arbitrary and unjust way; but, under the right reverend prelate's predecessor, the curate's preferment was checked, and when presented to two livings in another diocese, he was not able to receive them, because the bishop refused to grant him the necessary testimonials. That right rev. prelate now holds a better situation, and has received a higher preferment, but the humble curate of North Bovey remains where he was. In common with the rest of the clergy of the archdeaconry, he had attended the meeting, though he did not approve of it, and had protested against its conclusions. He had instructed him (lord Holland) to say, that never was a meeting more candidly and more fairly conducted. All the arguments urged by this able and honourable man were listened to, but they were over-ruled by the majority; and, as he had before been persecuted for his opinions, he thought it right to show, that oppression had not made him change his opinion, and he resolved to present a counter petition. The petition which he had to present stated, that the petitioner observed with regret the situation of Catholics deprived in this country of a full enjoyment of religious liberty. Now, with regard to petitioning, though he held the right in the highest estimation, he did not think the practice of petitioning on all occasions, or mere questions of opinion, a very wholesome one. Nobody on his side of the House had, however, said that the clergy, either in bodies or individually, had not a right to petition; but he would not subscribe to the opinion of a noble and learned lord, that it was not proper to notice the language in which such petitions might be framed. On the contrary, he thought that precisely because the clergy had a right to petition, their lordships were called upon to examine the opinions expressed in their petitions, and that they were the more called upon to scrutinize the language, because the petitions came from an educated class of persons. Now, many of these petitions had been remarkable, not only for intemperance of language, but for containing all sorts of fallacies, and were calculated to impress upon the public, notions respecting the proposed concessions to the Roman Catholics, which were quite the reverse of the fact. There ran through the whole of them a complete confusion of ideas on two words—liberty and power. Liberty was a word often understood in very different senses; sometimes it was used merely to signify freedom from formal restraint. Civil liberty was often regarded as the security for inheritance, and the right by which a man had the enjoyment of his property: by religious liberty was very generally understood, that state in which a man might be permitted to worship God according to his own conscience. These might be all very proper definitions, to a certain extent. He should not enter into any discussion of what might be properly called civil and religious liberty; but if what he had described was to be called liberty, he must say it was the same which was enjoyed under the most despotic government; and therefore it was not that kind of liberty which constituted a free state. It was the same liberty which the king of Prussia, or the emperor of Russia, or any other arbitrary sovereign, granted to their subjects. Attempts had been made to draw a distinction between political power and civil liberty; for his part, he saw none. If there were any difference, it must be that which constituted a free government The Catholics only asked for what was enjoyed by others; but all the petitions, with an artful perversion of terms, described civil liberty as political power. One petition stated the Catholics to have a vehement desire for power—he believed the word was despotic power; but, how-

ever, the word was power. Now this which was called a vehement desire for power, was merely the desire of enjoying those privileges which were attached to the constitution. The Catholics merely prayed, that they might be admitted to a participation of the same power which every British subject enjoyed. This was the real object of their application; whereas by the phrases introduced into the petitions of the clergy, the people were liable to be imposed upon, and to be made to believe, that the Catholics were seeking some superiority over other sects. He hoped he should be excused for thus occupying the attention of their lordships, for it was impossible for him to have explained the view he took of the petitions which had been presented, without saying thus much. With regard to the petition he had to present, it stated, much more correctly than those numerous petitions to which he had alluded, that the question of granting emancipation to the Catholics was one altogether of a political nature. He hoped, however, that he had not dwelt unnecessarily on this subject; and with regard to the receiving of petitions, he thought that the doors of that and the other House ought to be thrown widely open for them, more especially as he recollected, that encroachments had been made upon that right, by the very persons who now most strenuously advocated the admission of all sorts of petitions. He must also observe, that he thought the opinions expressed in petitions always well worthy of their lordships' consideration. With regard to the petitions to which he had more particularly alluded, had they been from humble individuals, he should never have thought of taking any particular notice of their language; but as they came from persons connected with a body which had great weight and influence in the country, and from an educated class of men, they ought, in his opinion, to be canvassed. The noble lord then moved that the petition be read, and laid on the table. It stated, "That, your petitioner observes with deep regret the present situation of the Roman Catholics of these realms, who are deprived in a great degree of the inestimable blessings of civil and religious liberty, and though born to the inheritance, yet are dispossessed of the benefits and privileges of the British constitution:—That, however necessary the penal statutes now in force might have been at a former period, to secure the establishment of our Protestant church, yet, as every appearance of danger has subsided, it is equally impolitic and unjust to subject any British subject to civil disabilities on account of his religious faith; and as the Roman Catholics are willing to take an oath of allegiance, by which all temporal adherence to any foreign Prince, Prelate, State, or Potentate is altogether disavowed, nothing further can be expected than the solemn observance of this oath, which has never in any instance been violated:—That, the belief of the Roman Catholics with respect to the spiritual power of the Pope relates merely to subjects of a religious and ecclesiastical nature, which has for a long series of years been settled in every Catholic country in Europe, without any evil consequences having ensued; and as that power is still acknowledged by the Roman Catholics of these realms, it would not endanger the safety of this country to dispense with the oath of supremacy, and to permit the British Catholics to enter immediately into such open recognition of the Pope's authority, as would finally set at rest all differences which may have arisen on that point, and no apprehension could then be entertained, that any British subject would be influenced by a double or doubtful allegiance:—That the leading principle of the British constitution is, that taxation, elegibility to office, and representation are inseparable, yet it is an acknowledged fact, that one third of the population of these realms, being Roman Catholics, are excluded from both Houses of parliament; and moreover, that no English Roman Catholic can ever give his vote to a representative; the consequence is, a complete violation of an established principle of the constitution; and the descendants of those ancestors who established our code of law, as well as the whole system of our civil policy are excluded from any participation in our representation, without being relieved from the burthen of taxation:—That, the remission of the penal code which has already been effected, having been productive of the greatest benefit, no danger having ensued to the English church in consequence thereof, nor has any attempt been made by the Roman Catholic body to invade any privilege which our Protestant church now possesses, the test of experience has therefore been afforded; and the natural conclusion is, that a complete removal of existing disabilities would in no degree endanger

the well-being of our established church, nor tend to destroy any of the modes by which it is now supported:—That the opinions erroneously attributed to Roman Catholics of holding no faith with heretics —of the priests having a power of absolving from oaths, and that the Pope can depose temporal Princes, have long been rejected by the Catholic body, and disclaimed on oaths by the Roman Catholics of England and Ireland, in a manner which can lead no educated or honest man to doubt of their sincerity. Whatever danger might have been apprehended from the supposed belief of the Roman Catholics in these doctrines, can exist no longer; and the government of this country has, moreover, expressed its conviction on this subject by admitting Roman Catholics to certain subordinate offices, on the guarantee of their oaths. That, as in various Catholic countries, more particularly in France, Protestants are admitted to the full enjoyment of civil and religious liberty; and, as his present most gracious majesty has granted to his Hanoverian subjects an equal participation of civil and religious rights, without any exclusion in reference to points of faith; I humbly pray for a similar extension to the whole of the inhabitants of these realms, by the speedy removal of every penal statute, which may now affect any portion of the community. That, in placing my utmost reliance in the wisdom of your right hon. House, I feel confident that whatever measures of relief may be adopted for the Roman Catholics, every attention will be paid to the interests of our established church."—"(Signed), John Pike Jones."

The Bishop of *Exeter* said, he had used the word "proscribed" as applied to the clergy, not because their petitions were actually rejected, but because attempts were made, by sneers and sarcasms, to prevent them from petitioning. The clergy were, however, determined to petition; he should have several other petitions to lay on their lordships' table; and the laity, roused by its having been said they were indifferent to the subject, were also coming forward with numerous petitions.

Lord *King* said, the clergy complained of being proscribed by sneers and sarcasms; this was a new proscription, and he thought it would be more correct to say they were proscribing than proscribed.

The Bishop of *Landaff* presented a petition from the archdeacon and clergy of the diocese of Oxford, against the Catholic claims. In presenting the petition, he would take occasion to say, that the clergy did not consider this, as the noble baron opposite considered it—a question merely of a civil and political nature, but as a question of a religious nature, in which they were deeply interested. They looked on it as an attack on the church of England, which was allowed by all statesmen to be an integral part of our constitution, and as the best bulwark of the Protestant faith.

The Bishop of *Chester* presented a petition from the clergy resident in Manchester, to the same effect. There were 42 clergymen resident there, and the petition was signed by 41; and it was only by an accidental circumstance, that the signature of the other clergyman was wanted. He was happy to observe that the petitions of the clergy had at length found their level; and that noble lords thought the intellect, acquirements, and education of the petitioners entitled their petition to attention. The question was one in which the clergy had a great personal interest. The confusion which the noble baron had remarked as to liberty and power, prevailed also in the two terms, punishment and restraint; and the noble baron, he thought, had laid a proper foundation for the restraint now imposed on the Catholics, when he stated that there might be circumstances which would justify curtailing civil liberty. With regard to several religious questions, laws were still found in our Statute book, imposing restraints on the people. When persons were found professing principles which went to the root of all civil liberty, could it be advisable to give them political power? The great distinction of the case was overlooked. The real question was, whether the Roman Catholics were, or were not to be admitted to rule over the Protestants?

Lord *Holland* explained. He did not contend that the clergy had no right to petition, but he thought it might be a question as to the prudence of their doing so; but of this they must judge for themselves. What the Catholics wanted was the right of ruling themselves; not of ruling over others. It was a fundamental principle in all free countries, that every man ought to have a share in making the laws by which he was to be governed. The Catholics enjoyed civil liberty, but were deprived of political liberty, and were not members of a free government.

The Bishop of *Chester* presented a petition from the magistrates, clergy, and inhabitants of Bolton-le-Moors, against the Catholic claims. The petition was signed by 8,000 persons; but there were some stigmas thrown out on the Catholics, of which he did not approve.

Lord *King* regretted very much to see so much advice sent to their lordships—he would say so much bad advice; for it was said, by lord Clarendon, that the clergy, however learned, were very ignorant of the affairs of the world. What would the king of Prussia say to his clergy, if they were to pour in such quantities of advice on him. If his Lutheran clergy, were to tell him, the Catholics are dangerous, they cannot be trusted, you must not employ them, do not admit them into your government, they will become your masters? Why, he would tell them to hold their peace, and not stir up hostility and strife in his dominions. He must say, that it was extraordinary to see the members of a religion, which professed to be the religion of charity, peace, and good will amongst men, promoting dissention and discord. Their lordships would do well not to take such advice, and to act as he had supposed his Prussian Majesty would act, and reject all bad advice from the clergy.

The Bishop of *Gloucester* said, that the clergy came not before their lordships as advisers, but as petitioners. They expressed their opinions in plain manly language; but they left it entirely to the wisdom of their lordships to determine what measure should be adopted.

Ordered to lie on the table.

HOUSE OF LORDS.

Thursday, April 11.

Roman Catholic Claims.] The *Lord Chancellor* presented a petition against the Catholic Claims. He observed, that it was respectfully worded, and properly drawn up. He took that opportunity of stating, that the noble lord near him (lord Holland) showed, by what he said last night, that his meaning had been misunderstood. He had not said, that the words of petitions ought never to be commented upon. On the contrary, he thought it very natural, when noble lords disapproved of the language or terms of a petition, that they should mention their disapprobation; and, if they approved of the style and object of a petition, that they should pass it by unnoticed.

The Duke of *Newcastle* presented a petition against the Catholic claims, from Redford, and expressed his hope that the table of the House would soon be covered with similar petitions. It was full time for the people of this country to step forward, and declare their sentiments on this subject; and he hoped that every honest man would put his name to petitions against concessions to the Catholics, the danger of granting which was so strongly apprehended by the nation. He thought that the sense of that danger, expressed by the petitioners, was not altogether unworthy of their lordships' notice.

Lord *King* hoped that their lordships had been edified by the very tolerant petition which they had just heard read. The petitioners, in the fulness of their generosity, were willing to allow the Roman Catholics to worship God in their own way; but this, it seemed, was the utmost extent of their toleration to one-third of his majesty's subjects, whom they wished to exclude from the privileges of freemen. Their lordships had heard something last night of its having been said that the clergy were proscribed. Now, he must say, that the noble duke, who hoped that every honest man in the country would come forward and sign petitions against the Catholics, had made the most sweeping proscription he was acquainted with; for, under the stigma of dishonesty, he proscribed all the Roman Catholics of the United Kingdom, and in addition to them, all those Protestants who did not choose to sign such petitions as that which the noble duke had presented. Though the endeavours made to get up petitions of this kind were great, the opinion of the country on the question could not be disguised. The hope to raise again the cry of "No Popery," which had so much influence some years ago, was vain. That horrid cry was now dead, he trusted, for ever.

Conduct of Judge Kenrick.] The Earl of *Essex* said, he had formerly troubled their lordships with some observations relative to the conduct of Mr. Kenrick, who was a judge. He had then asked the noble and learned lord some questions to which he had received no satisfactory answers. If he had since abstained from bringing the matter before their lordships, it was from a wish to ground on it some

definite proceedings, to which, he being a judge, there were a great many technical objections, and some almost insuperable difficulties. Since he had mentioned the subject to their lordships, another affair had been made public, involving the grossest violation of justice on the part of Mr. Justice Kenrick. He knew, also, that several magistrates of Surrey had refused to set on the bench with Mr. Kenrick. Indeed, it was every magistrate's interest, it was for every magistrate's honour, that conduct which appeared so very flagrant should be reprobated. In the latter case, in which Mr. Kenrick was implicated, he could not state the particulars, because the proceedings had been compressed. In the other case, as reported in the newspapers, and as detailed in the speech of the Attorney-general, there were circumstances which excited the greatest disgust. Several magistrates of Surrey had expressed very strong opinions on the subject. After all these proceedings, he wished to know had Mr. Kenrick retired? Was he still a Welch judge? was he not still a justice of the peace for the county of Surrey? He felt strongly that there had been a flagrant violation of justice; but he saw no mode in which he could proceed against the offender. He could only, therefore, repeat his former questions, and wished particularly to ask the noble and learned lord, whether any communication had been made to him on the subject of these proceedings from the court of King's-bench? The business, he was aware, must remain in the hands of the noble and learned lord: it was for him to act in it as he thought proper. He could only say for himself, that if the noble and learned lord declared that he did not mean to remove him from the commission, if he did not think fit to displace him from the magistracy, he should not have one word further to say.

The Earl of *Liverpool* reminded the noble earl, that Mr. Kenrick, as a Welch judge, was in the same situation as other judges, and could not be removed but by an address to the Crown.

The Earl of *Essex* said, that this was the difficulty which made him decline taking any proceedings; but Mr. Kenrick was not only a judge, he was also in the commission of the peace.

The *Lord Chancellor* said, that the noble earl and their lordships must be aware, that for any thing Mr. Kenrick had done as a judge, he could only be removed by an address to the Crown. In his conduct as a justice, it was also known to their lordships, that on representations made to the keeper of the Great Seal, he might be struck out of the commission. He must, however, state, that he had always been very cautious how he listened to representations against magistrates. There was no part of his duty which required more caution. He had in a particular case, refused to attend to numerous representations and petitions, stating, that a magistrate had applied to his own use monies which he had levied as fines on convicting persons of offences. These representations were very strong, and were supported by numerous affidavits; but it afterwards turned out, that this magistrate brought actions against all the parties who had petitioned against him, and convicted them of perjury. Had he proceeded on these affidavits, and struck this gentleman out of the commission, he should have acted with great injustice. He had seen no account of what had taken place in any court of justice, relative to Mr. Kenrick, but what he had seen in newspapers; which were not very correct authority. Mr. Kenrick moved in the court of King's-bench for a criminal information; which was refused, on the ground that he had previously defended himself by writing letters to the Stamford News. He saw nothing in this which should make any communication from the court of King's-bench to him necessary; and he had received none. As to the other case, he knew nothing of it. He had nothing before him, therefore, calling in any way for his interference with regard to Mr. Kenrick.

HOUSE OF COMMONS.

Thursday, April 14.

BREACH OF PRIVILEGE—FORGERY OF NAMES TO A PETITION.] Mr. Secretary *Peel* said, that he rose to present a petition which complained, and complained most justly, of a gross breach of the privileges of that House, and of a most unjustifiable violation of the right of petition. The petition he held in his hand was from certain undersigned Protestant inhabitants of the town of Ballinasloe, and adjoining parishes. They stated, that having understood from the votes of parliament, that on the 17th of March last, a petition, alleged to be from the Protestant inhabitants of that town, had been presented

by the right hon. baronet opposite (sir J. Newport), in support of the Catholic Association, and in favour of further concessions to the Catholics: so soon as they heard that such a petition was presented, they were anxious to see the petition, as printed at length, and the names attached to it. They were, on perusing the document, not a little surprised to see thirteen of their own names attached to that forged document. These petitioners now declare, that their names were, wholly without their knowledge, affixed to that petition: that, in truth, their opinions were opposed to those very points, which, in the forged document, they were alleged to have recommended. That was not, however, the present question. The object was, to decide, whether an inquiry was not now necessary. It was useless to dilate on the evils that must follow, unless the communication of the people with the House of Commons was guarded from imposition and fraud. It was most unjust towards the individuals, whose names were fraudulently affixed: it was most unfair towards members, who could not make the fullest inquiry; for it would be a most grievous burthen on the members of that House, if they were to be compelled to institute such a particular investigation on the subject of every petition sent to them. It was, therefore, the duty of that House to take such steps as would prevent a repetition of such a fraud—which, as it affected the privileges of parliament, was a gross insult; and, as it trenched upon the right of petition, a great detriment. He should, therefore, after laying the petition on the table, move for the appointment of a select committee to inquire into the allegations, with the view of discovering the authors of such an imposition. The result of such a course would, even for the purposes of caution, be most salutary.

Sir *John Newport* said, that if the subject had not been brought forward by the right hon. secretary, it had been his intention to have introduced it that very evening. Every member of that House was equally interested in the subject as himself; for they were all liable to be similarly imposed upon. He had received the former document, as he had received nine-tenths of all the petitions which he presented to the House; namely, by post. It came accompanied by a string of resolutions, stated to have passed at the meeting where the petition was agreed to. These resolutions appeared to have been regularly moved and seconded. The names of the parties thus moving and seconding were stated; and it had all the details of the formal expression of the meeting which it professed to be. He had, under such circumstances, presented the petition, and was much surprised recently to have received a letter from the parties, whose names were attached, stating that it was a forgery. Fraud was apparent, and had been grossly practised on him. He had no local knowledge of Ballinasloe, nor of the parties. He, therefore, in answer to the present petitioners, pointed out to them, that the more expedient mode to detect the authors of the imposition, was to make inquiries on the spot. He, however, most heartily concurred with the motion of the right hon. Secretary; and he trusted he stood too fairly with the House, to feel it necessary to disclaim any knowledge on his part, of any such improper attempt to impose on the judgment of parliament.

Mr. Secretary *Peel* observed, that there was not the remotest idea in the mind of any man to impute any blame to the right hon. baronet.

The petition was laid on the table, and a select committee was appointed "to inquire into the circumstances under which a paper professing to be a petition from the Protestant parishioners of the town of Ballinasloe, and the united parishes of Kilclooney and Creagh, was presented to this House on the 17th day of March last, and report the same to the House."

Linen Trade of Ireland.] Sir *H. Parnell* said, he had been induced to give notice of his intention to move for the appointment of a select committee, to take into consideration the state of the Linen Trade of Ireland, in consequence of his having been intrusted with certain memorials from a considerable number of the linen merchants of Dublin, and which had been duly presented by him to the Treasury. He had, however, received, since that notice, an intimation from his majesty's government, that they were disposed to move for a select committee for the same purpose. Under such circumstances, he should leave the subject with satisfaction in such efficient hands. He understood, that the consideration of such committee would be first directed to those laws which affected foreign yarn and foreign dressed flax.

Sir *G. Hill*, after observing that it would be much more satisfactory that the subject should undergo the investigation of a committee above stairs, moved "that a select committee be appointed to consider the laws which regulate the linen trade of Ireland, particularly such as relate to foreign linen yarn and foreign dressed flax."

Mr. *Maberly* was extremely desirous that the consideration of the protecting duties should form one of the objects of the committee. The present condition of those duties was such as must be altogether ruinous to the linen trade of Ireland. He entirely agreed in the wisdom of the general principle on which the right hon. gentlemen opposite were proceeding with respect to commercial affairs; but he was certainly desirous that they would travel by degrees. All he asked, however, on the present occasion was, that the subject of protecting duties should be comprehended in the labours of the committee.

Sir *G. Hill* replied, that the suggestion of the hon. gentleman might be very advantageously made to his right hon. friend, the President of the Board of Trade, but that it could not properly form one of the topics of consideration of the committee for which he had just moved.

Mr. *Hume*, while he was of opinion, that the question of the duties was one of great importance, certainly thought that it could not be advantageously comprehended in the inquiries of the present Committee.

Mr. *V. Fitzgerald* approved of the appointment of the committee, and thought it better to confine the inquiry at present to the two objects stated in the motion.

The motion was then put and agreed to.

EPISCOPAL UNIONS AND PLURALITIES IN IRELAND.] Sir *J. Newport* rose to move for leave to bring in a bill "to limit the power of holding a plurality of benefices, and to repeal the statutes, granting to the archbishops and bishops the power of forming episcopal unions in Ireland." The only pretences held out for the reason of the case in regard to unions were, continuity, weight of debt, and inability to meet the expenses. What would the House say to a parish connected with another, under these powers of union, which were eighteen miles asunder? He wished to draw the consideration of the House to this question, because it was one which involved the well-being of the established church in Ireland. It was right that the body of the people in that country, who adhered to the established religion, should have the fair means of religious instruction. What he had to offer to the House on this subject would be deduced from the actual statement of the archbishops and bishops of Ireland themselves, contained in the papers laid before the government on the state of the church in Ireland. The primate of Ireland stated, that the union of parishes in that country might rank amongst the greatest defects of the system by which it was governed. The episcopal unions, it should be observed, ought to be distinguished from those made by the lord-lieutenant and the privy council. The former were not placed under the same restrictions as the latter. If the House would examine the statements on the subject, which were laid before parliament in 1811 and 1820, they would at once perceive the evils arising from this system. He had taken the trouble to inquire into the grounds on which these episcopal unions were formed, and had come to the conclusion, that there was not, in reality, a statute allowing archbishops and bishops to make them. There was an act of parliament of the reign of Charles 2nd, which gave a semblance of that species of power; but, in his opinion, the construction placed upon that statute was not correct. He had also examined into the power exercised on this point by the archbishops and bishops of England, and had discovered that, with the exception of the bishop of Norwich, no such authority was delegated to the prelates of this country. If such a power existed at all, it would be more likely to have been allowed in England than in Ireland; because, here it would be more directly controlled by the force of public opinion.—The right hon. baronet then proceeded to allude to the evidence which had been laid before parliament, relative to the episcopal unions, and narrated several cases where the parishes thus united extended over a very large tract of country; some of them being not less than eighteen miles distant from each other. It was impossible, where parishes were thus widely separated, that a clergyman could attend to the duties of both. In one union, three parishes were connected twenty-six miles long, and nine miles broad; in another union, the tract which it comprised was forty miles long. The conduct of the

archbishops and bishops had heretofore been very generally at variance with that which they ought to pursue; for, though they made those unions, they must have seen the evils that arose from them. In Kilcooly, six parishes, several miles distant from each other, were united in 1809.—The right hon. baronet then adverted to cases of a similar description which had occurred in Roscommon and Sligo. In one instance, where, before a parish was united to another, there were 16,000 inhabitants, the number was increased by the union to 22,800. The curate of the parish of Boyle, in the diocese of Tuam, was called upon to do all the duties of that parish, after it had been united with another. One of those parishes was twenty-six miles long, the other eight miles in length. Government had, however, much to its credit, divided that union into three parishes. The emoluments derived from these unions were very great. He knew an instance where four parishes were thus united, the first of which produced 580*l.* a-year; the second, 280*l.*; the third, 100*l.*; and the fourth, 720*l.*; making an annual revenue of upwards of 1,500*l.* a-year; and yet the duties were inefficiently performed. The incumbent of one of these unions, in the diocese of Kilmore, held 20,000 acres of land, besides 500 acres of glebe. The conduct of the present primate had gone a great way in reforming this abuse. He disapproved of the reasons for which they were first created; but, notwithstanding the meritorious conduct of the primate or of any other prelate, he thought the House itself ought to provide by law against the recurrence of this evil. He conceived that no faculty should be granted, allowing any individual to hold two livings, while one was sufficient for his maintenance. He believed the bishops were at present doing all they could to place the established church in Ireland on a proper foundation; but he thought the government ought to put it out of their power to grant faculties for the union of parishes. That power should be confined by law to the lord-lieutenant and privy council. He was aware that if this right of granting faculties were abrogated, Dr. Ratcliffe, the present judge of the Prerogative Court, would suffer a diminution of his income, which in part arose from fees, paid on issuing those faculties. But, for the sake of that learned judge, and for the respectability of the office itself, the situation ought to be placed on a better footing. At present, the salary of the judge partly consisted of fees; and he thought it indecent that any person holding such an office should be partly paid by fees and partly by a fixed salary. If the reform which he recommended in the church, took place, Dr. Ratcliffe would lose between 500*l.* and 600*l.* a-year; and it was proper that parliament should provide for that loss. The present primate, greatly to his praise, had written a letter to that excellent judge, regretting that by certain arrangements which had been made, the doctor was likely to be deprived of his fees, and offering to make up the loss out of his own pocket. This, however, Dr. Ratcliffe refused. He thanked the right rev. prelate for his kindness; but expressed his determination to rely on the liberality of parliament. The salary of Dr. Ratcliffe ought, in his opinion, to be a fixed one, altogether independent of fees. It was certainly unbecoming a judge to be obliged, as Dr. Ratcliffe was, to practise as a barrister, which he was allowed to do. He did not, indeed, plead in open court, but he gave his legal opinions in private. He therefore called on the right hon. gentleman (Mr. Goulburn) to place the office held by Dr. Ratcliffe in the same situation as other judicial offices were. He again adverted to a variety of unions, which he thought ought, if possible, to be put an end to. Some, he knew, could not be dissolved but by the consent or on the death of the present incumbents; and there were others granted by way of dignity, which the bishops themselves could not dissolve. He saw no reason whatever for giving to the prelates of Ireland a power which the archbishops and bishops of England did not possess. He then alluded to the opinions of the bishops of Kilmore, Meath, and some others, who had declared that they thought this power ought to be revised; and concluded by moving for leave to bring in a bill "to limit the power of holding a plurality of Benefices, and to repeal the Statutes granting to the Archbishops and Bishops the power of forming Episcopal Unions in Ireland."

Mr. *Goulburn* said, that he did not mean to oppose the motion of the right hon. baronet. Whoever had attended to what had fallen from him, whenever the church of Ireland had come under the consideration of the House, would do him the justice to say, that he had always

shown a disposition, where abuses appeared to have crept in, to correct them. If cases of abuse were made out, he would not be backward in advising what course ought to be taken, for the purpose of checking them. At the present moment, he believed it was felt by the clergy themselves, that the church was in a progressive state of improvement; and he was sure that government would do all that could be done to accelerate that improvement. The only question between him and the right hon. baronet was, whether the right hon. baronet was proposing that which was best for producing improvement. He wished particularly to call the attention of the House to the evidence which had been referred to by the right hon. baronet. From this it appeared, that whatever was the conduct of the incumbents, very great efforts had been made by the bishops and by the government to improve the system. He admitted that formerly considerable abuses existed, and that many livings were given to unworthy individuals for private reasons; but the present primate was acting in a very contrary manner. He allowed no unions in his diocese. It was a great inconvenience that the same individual should be allowed to hold two livings, situated at extreme parts of the kingdom. But, the primate had put an end to this, by issuing a canon similar to that which existed in England, forbidding persons to hold livings situate at a greater distance from each other than was allowed in this country. By his arrangements the primate had curtailed the income of one of the most able and learned men at the Irish or any other bar; he meant Dr. Ratcliffe. That gentleman had consented to forego those emoluments which were incidental to his office, as judge of the Prerogative court. The whole of his emoluments amounted to about 2,000*l.* a year; and that part of them which consisted of fees, amounted perhaps to 600*l.* Those fees he had lost; and, though the primate offered to make up the deficiency, Dr. Ratcliffe had declined the offer; and said that he acquiesced in the alteration, for the benefit of the church. He (Mr. Goulburn) concurred in the suggestion of the right hon. baronet, that the office held by Dr. Ratcliffe should be put on the same footing as other judicial situations in Ireland; and he meant, next session, to introduce a bill for that purpose. He was at present waiting for the report of the commissioners appointed to inquire into ecclesiastical offices in Ireland; and that report would not, he believed, be completed before the end of the session, and until it was ready, he could not bring in the bill to which he had alluded. He was well pleased to find that no abuse cited by the right hon. baronet occurred later than sixteen years ago—a circumstance which showed the improved state of the Church.

Dr. *Lushington* said, he was glad that the right hon. baronet had introduced this question, for it was right that some arrangement should be resorted to, for the purpose of curing the defects in the Irish church establishment, which had been pointed out. He agreed in the truth of the observation, that those who held high situations in the church had made many attempts to remove existing abuses. In addition to the instances already cited by the right hon. baronet, where improper unions had been made, he could speak of one in the diocese of Down and Connor, where five or six benefices had been united for many years, and there was no resident on any of them. At length, the circumstance came to the knowledge of the bishop, who appointed a clergyman to each of them, and gave to the individuals so appointed the tithes of the different parishes. In other cases, clergymen who held pluralities, were not deprived of them, but were compelled to reside for a certain time in their parishes. The proposed bill he conceived to be extremely necessary; because though some exemplary prelates did all they could to reform the church, yet their successors might fall into error. Looking at the evidence lately laid before the House of Commons, he found, in one instance, a tract of ninety-seven square miles described as having but one resident incumbent on it. Those who complained of the increase of Roman Catholics in Ireland ought not to allow so large a district as this to be without a proper number of resident clergymen. He would not, on this subject, trust to the conscience or disposition of any bishop. He hoped such a measure would be brought in, as would effectually prevent the enjoyment of pluralities. Non-residence he considered as the great cause of the increase of dissenters in Ireland.

Mr. *Trant* expressed himself in favour of the motion; and bore evidence to the disordered state of the church establishment in Ireland.

Mr. *V. Fitzgerald* concurred in the mo-

tion. He thought that there was sufficient evidence before the House to legislate on. He approved of the manner in which the right hon. baronet had brought on this motion; and was of opinion, that the holding of pluralities by faculties, was not so great a source of abuse as the episcopal unions. The bill ought rather to deal with those latter. The cases cited were sufficient to warrant the introduction of the bill. It was not too much to take away from the bishops the power of making unions without the consent of the lord-lieutenant and council of Ireland. He considered the question to be one of paramount importance; and concurred with the right hon. baronet, that nothing was more essential to the maintaining the integrity of the church of Ireland, than to see that its professors, who were so richly endowed, performed the duties of their stations. He had only further to observe, that the administration of the marquis of Wellesley had manifested the strongest disposition to carry into effect the declared sentiments of the legislature on this subject.

Mr. *S. Rice* concurred in all that had been said in praise of the primate of Ireland. There was one act of his for which he was entitled to the admiration of the House and the gratitude of the country, if the fact was as he had reason to understand it was. That dignitary, in conjunction with the bishop of Limerick, had taken steps to prevent the admission of any Orangemen into the church of Ireland. The House would be astonished to hear that such a regulation was called for by the state of things in Ireland; but, however extraordinary they might think it, the interference of the primate of Ireland was in the highest degree worthy of his station and distinguished character.

The motion was agreed to.

STATE OF THE PRINTED REPORTS OF THE HOUSE, &c.] Mr. *Spring Rice* rose, to move for the appointment of a select committee, on the State of the Papers printed by order of the House of Commons, from the year 1800 to the accession of his present majesty. He observed, that, since the year 1800, the parliamentary papers had not been collated or arranged. A committee had, in 1802, been appointed to inquire into the state of the papers presented to the House; and in consequence of the report of that committee the documents were selected and classed. The papers thus arranged, were now known by the title of "the Seventeen Volumes of Reports." A number of most valuable documents were at that time preserved and put in order, which were now accessible to the House and the public. From that period, to the accession of his present majesty, many important documents had been presented to parliament: but they had not yet been arranged so as to render them essentially useful to members of parliament. His object was, to select those containing the most practical information, and to have them printed as a continuation of the reports of 1802. If this subject was thought worthy of attention by the House, he would further suggest the propriety of inquiring how far the library up stairs might be extended and improved. He was aware how much the House was indebted to the late Speaker, for the foundation of that library, and to his successor, for his attention to it; but he still thought that it might be enlarged, much to the advantage of the public business and the accommodation of members. He would not detain the House further than to move, "That a select committee be appointed to inquire into the state and condition of the Index, Journals, and printed Reports and other Papers presented to this House, and that they do report the same, with their observations and opinions thereupon to the House."

Mr. *Bankes* recommended the hon. member to leave out the words "Index and Journals," and confine his motion to the selection of Reports.

Sir *John Newport* approved of the motion, as amended by the suggestion of the last speaker. Great care should be taken in the selection of papers; as among the valuable documents brought before the House, there was a mass of papers of minor importance, which it would be only burthensome and wasteful to collect.

Mr. *Spring Rice* agreed to the suggestion of the hon. member, and would confine his motion to the Reports.

Mr. *Croker* approved most fully of the motion, as he was convinced that a selection of Reports to the House would form the foundation of the most curious parliamentary history of the country. Those who reflected on the various events of the reign of George 3rd, must see how impossible it would be to arrive at any thing like accuracy in detailing them, without the assistance of the papers of the House.

There was, he conceived, much propriety in the motion, and he thought the hon. gentleman deserved the thanks of the House for calling their attention to the subject. There were, in the Tower and other public places, many documents which well deserved attention. An ingenious individual had lately made researches connected with those papers, and had discovered a great deal of extraordinary matter. He thought no vote of money, in a literary point of view, could be better expended, than one which would enable the individual to whom he had alluded to give to this country a volume of those ancient records. Amongst other things he had discovered that, in ancient days, the members of the House of Commons voted by proxy. It was a practice which he did not wish to recommend; but, looking to the extreme thinness of the House at that moment, it would not perhaps be a bad plan [a laugh].

The motion was then agreed to: and it was ordered, "that it be an instruction to the Committee to consider and arrange such Reports as it may be proper to print in volumes, in addition to those which have been already so printed, and prepare an estimate of the expense of printing the same; also, to consider of providing some proper place for the safe custody of the printed books and papers, affording convenient access to the same, for the use of members of this House."

SIERRA LEONE.] Mr. *Wilmot Horton* stated, that he had no objection to grant Mr. Hume the papers he required respecting the colony of Sierra Leone; but months must elapse before they could be prepared.

Mr. *Hume* wished the hon. gentleman would fix some day, when he could explain to the House the object of his calling on them for such papers. He should consider it a dereliction of duty to postpone his motion any longer than was absolutely necessary: since he hoped to save some millions to the country for the time to come, if the course of policy which he should recommend should be followed. He should content himself at present with merely moving for the papers in the manner suggested by the hon. gentleman; but he begged to ask, whether the papers which it was said would be furnished him were now in the country, or whether it would be necessary to send out for them to Sierra Leone? The answer to that question would determine the course he should afterwards adopt.

Mr. *Wilmot Horton* said, that some of the papers were in this country, but the majority of them were either at the colony or on their way hither. Of these a part was daily expected, orders having been sent out to the colony to forward them: and he had no doubt that they would speedily arrive. He should think tomorrow week would be a convenient night for the discussion on these papers.

Mr. *Hume* observed, that he considered the motion of the greatest consequence, and should therefore agree to its postponement.

HOUSE OF LORDS.

Friday, April 15.

EQUITABLE LOAN BILL.] The Earl of *Lauderdale*, adverting to the petition he had presented against this bill, in which the petitioners prayed to be heard against it by counsel at their lordships' bar; and offered to prove that the Equitable Loan Company was illegal, said, he thought a company over which such doubts hung, was deserving of close investigation, before their lordships passed any bill in its favour. He did not think, indeed, that any noble lord would be found to move the second reading of the bill: but, in case any one should, he thought it right that their lordships should be in possession of the fullest information on the subject. He should, therefore, move, that there be laid on the table, a copy of the deed for regulating the Equitable Loan Company, dated Nov. 6, 1824. He should also move, that there be laid before their lordships, a copy of all prospectuses published by the Equitable Loan Company in any of the newspapers, bearing the names of any of the directors, or of the secretary, which are subscribed to the deed of November 6, 1824. This society professed also to lend money to the poor; and he thought some light might be thrown on it, by comparing it with societies, which had formerly existed for the same purpose. He should, therefore, further move, that there be laid before their lordships copies of all licences or charters granted by any of his majesty's royal predecessors to any companies or bodies for lending small sums of money to the industrious classes. This would enable their lordships to distinguish this from other corporations.—Ordered.

HOUSE OF COMMONS.

Friday, April 15.

THAMES QUAY BILL.] Mr. *Hobhouse* presented a petition, numerously signed, from the owners of wharfs on the North Bank of the Thames, against the Thames Quay Bill. The hon. member expressed his satisfaction, that for this session at least, the proposed measure was to be abandoned.

Colonel *Trench* said, that, if those gentlemen who now petitioned against the bill would only open their eyes, they would find that, instead of their interests being injured by the projected alteration, they would be the persons most benefitted. It was a subject of great national importance; for it could not be denied, that to throw open a free and convenient communication between both ends of the metropolis, would be a benefit to every individual in the empire. He was aware of the grounds of opposition to this measure; and he could assure the House, that the resistance of those persons proceeded from an ignorance of their own interests: but, from the personal communication he had had with many of them, he found them in many instances open to conviction. However, he did not intend to press the measure during the present session, and he had no doubt, that before the next, the opposition to it would be considerably diminished.

Mr. *Hobhouse* said, the hon. and gallant member would find himself greatly deceived, if he thought he should be able to make converts of these petitioners. In his opinion, the converts would come from the other side.

Ordered to lie on the table.

COMBINATION LAWS.] Mr. *Hume* presented a petition from the seamen of North Shields, complaining of certain statements which had been made prejudicial to them, and justifying a combination into which they had formed themselves, on the ground of self-defence against the masters. They stated, that the masters were in the habit of meeting occasionally, and settling the wages between them, and these wages were so low, that the seamen were obliged to unite in their own defence. The objects of their union were of a charitable nature; as it was intended to provide for destitute children of seamen.

Mr. *Lambton* said, that the union was not designed for charitable purposes only: if charity had any thing to do with it, it was a charity which began at home, and never travelled further. One of the regulations of the union, forbad any mariner to serve in a ship with any other mariner who was not a member of the union. A late instance would explain the effect of this rule. A ship arrived at Shields from the west of England, and the union required the owners to dismiss all the men serving on board, because they were not of the union. These poor fellows were to be left, according to the regulations of the union, to beg their way on foot back again into the west of England, to make way for mariners of the union. Another vessel arrived from Whitby; and it was with some difficulty that the lives of the men could be secured for a night or two, from the violence with which they were threatened. This was a state in which parliament would not readily consent to place the property of any man.

Mr. *Hume* said, that the magistrates had power to suppress any violence; that being clearly contrary to law. The petitioners stated, that their regulations were adopted in self-defence, to prevent the owners from reducing them to comparative starvation. He moved, that the petition be referred to the committee on the Combination laws.

The petition, was referred to the said committee; together with a petition from the shipwrights on the river Thames.

GRANT TO MR. M'ADAM.] Mr. *Brougham* hoped, that the state of the public business was such as would enable the chancellor of the Exchequer to accede to the request which he was about to make. It was, he observed, proposed to vote on the present evening the sum of 2,000*l*. to Mr. M'Adam; and he wished that motion to be postponed, that gentlemen might have a better opportunity for discussing its merits. The question, in his view of it, was one of a most important nature; and they ought to pause before they sanctioned such a precedent. He pledged himself to demonstrate to the House, that if it were carried, there was no one invention made, or that might hereafter be made, by any man, which appeared beneficial to the country, that might not be advanced as a good ground for a grant of public money. If this motion succeeded, he certainly would propose a large grant of money to sir

Humphry Davy, for his discovery of the safety-lamp; than which a more useful or a more important invention had scarcely ever come under his observation. Sir Humphry, he believed, had not made any money by his invention; but, as it had been the means of saving many lives, and was, in fact, a discovery of great public utility, he conceived the inventor was as worthy as any other person could be, to receive the bounty of parliament.

The *Chancellor of the Exchequer* said, he felt no anxiety to bring the subject on at the present moment; at the same time, he must observe, that adequate notice had been given of his intention to do so. In the first place, he had given notice that he meant to move this grant prior to the Easter holydays. It was then postponed, at the suggestion of others, and fixed for the present day; when, it was supposed, the House would be competent to discuss the subject. He knew not, therefore, why he should now put it off; at the same time, he wished to consult the convenience of the House as much as possible.

Mr. *Brougham* admitted, that the right hon. gentleman had given due notice; but he was one, of many, who would be much convenienced if the subject were postponed to Friday week.

Mr. *H. Sumner* said, that, on the 19th of May, last year, he had moved that there be laid before the House a return of all emoluments received by Mr. M'Adam and his family from public bodies, for his services. He found that no such return had yet been made; but he thought it must by this time have been prepared. If so, it was but fair that the House should know what remuneration Mr. M'Adam had already received, before a sum of money was voted to him. He therefore hoped that his right hon. friend would agree to postpone the grant.

Mr. *Maberly* said, that this question had been examined by a committee. The right hon. gentleman was about to propose the grant on the recommendation of that committee; which recommendation was nearly unanimous. The right hon. gentleman objected originally to this grant; and would not consent to it until he had a meeting with all the members of the committee. Due notice was then given, that the grant would be proposed; and therefore he thought that it ought not now to be postponed. Mr. M'Adam conceived that, after the report of the committee, he had a claim on the House. He ought to be at once informed, whether that claim would or would not be recognized; instead of being kept in a state of suspense.

The *Chancellor of the Exchequer* said, he had no objection to postpone the consideration of the grant to that day fortnight.

The Custom-House—Mr. Peto.] The House having resolved itself into a committee of supply,

Mr. *Bernal* said, that on a former evening, allusion had been made, in the committee of supply, to the architect of the Custom-house, Mr. Peto, which had been exceedingly prejudicial to the interest of that individual. He therefore thought the present was a proper occasion for mentioning the subject, in order, if possible, to elicit some explanation. In consequence of what had been said, that individual had been put to most serious inconvenience, and had been prevented from carrying on extensive works in which he was engaged. He was excessively anxious to meet any charge that might be brought against him, in the most direct manner; and he wished that the affair should be placed in a state of investigation as speedily as possible.

Mr. *Herries* said, it would not be proper, at present, to state all that had come within the knowledge of the Treasury, with respect to the transaction which it had been found necessary to make the subject of inquiry. Thus far, however, he would state, for the satisfaction of the hon. member, and of the individual alluded to, of the imperfect execution (to use the mildest term) that so much had appeared before the Treasury of the work in question, as rendered it more than probable, that some ulterior proceedings would be adopted. Now, however desirable it was for the individual, that the matter should be at once brought to issue, he thought the House would perceive, that it would be impossible to proceed with such rapidity. All the information necessary to make those proceedings complete must first be laid before the Treasury. He could only say, that no time should be lost in bringing the business to a decision.

Mr. *Calcraft* said, that on a former evening, when the corn returns from Ipswich were mentioned, the names of some respectable gentlemen were alluded to, as being concerned in the formation of those fictitious returns. It was, he un-

derstood, stated on the next day by a right hon. gentleman (Mr. Huskisson), that an inquiry would be instituted on the subject. If such a course had been taken, he wished the result to be stated to the House; as it was important that they should have correct information with respect to the making up of those corn averages. He was not in the House on a former occasion, when some conversation had taken place relative to Mr. Peto. He now wished to say, that he had communicated with that individual on a work of considerable extent, and in its execution he had shown great skill and despatch. He had not, on that occasion, done any thing derogatory to the character of a man of honour. He felt it necessary to bear this testimony, which he could do most conscientiously, as to what he knew of Mr. Peto in this particular transaction.

Mr. *Huskisson* said, he had called on the inspector of corn returns to investigate the subject to which the hon. member had referred, and which was one of great importance; but he had not, up to the present moment, received the report of that individual. As the names of most respectable persons had been mentioned, it was proper that the business should be explained.

Alderman *Wood* inquired, whether any legal proceedings had been instituted by the Treasury against Mr. Peto, for not performing his contract? That individual had been very much alarmed and injured by a statement which had gone forth, that his property had been seized, under an extent from the Crown; and he wished it to be clearly understood whether there was any foundation for that report.

Mr. *Herries* said, there was no truth in the statement: no legal proceedings whatever had been instituted.

IRISH MISCELLANEOUS ESTIMATES.] On the resolution, "That 27,871*l.* be granted to defray the expenses of the Roads and Harbours of Holyhead and Howth, during the year 1825,"

Mr. *Hume* said, he should be glad to know how much more would be required for this purpose? Year after year similar sums were voted. He advised that a survey should be made, to ascertain what would be the final expenditure.

Mr. *Herries* could assure the hon. member, that the greatest care was taken that the money voted for this purpose should be properly expended. The works were under the direction of commissioners duly qualified. He was happy to add, that although the present was not the last grant which it would be necessary to propose, that there was every reason to believe that one or two more would be sufficient. It was not impossible but that the grant of next year would close the whole expense.

Mr. *Hume* said, that in looking over the items in the amount furnished, he thought it doubtful how far economy was attended to by the commissioners in all their charges. He thought that, after the many grants that were made, it was now time to stop. He found a charge of 34,135*l.* for widening a part of the road from Chester to Bangor. He found another charge of 1,407*l.* for parliamentary fees and solicitor's charges, for passing an act of parliament, constituting the commissioners. If so much was paid for an act of parliament, it was right to inquire what was done. He found another charge of 5,000*l.* for engineering and surveying, although in another part there was a charge of 198*l.* for surveying part of the road. He found among other charges for the salaries and expense of officers, one of 400*l.* a-year for salary for a secretary. What most struck his attention was the charge of 1,400*l.* for passing a bill, of which he did not hear a word in the House.

Sir *H. Parnell* said, that the act of parliament to which the hon. gentleman referred, had been passed for the purpose of consolidating three commissions; that of Holyhead harbour, Howth harbour, and Holyhead roads. Every gentleman who passed a bill through that House must know, that for every separate head it contained, a distinct fee was charged. The bill in question contained provisions for two harbours, and for the road from Holyhead to London, which of course increased the expense; but nothing was done that was not quite customary. As to the expense of the establishment, it would not appear great, if the hon. gentleman would recollect the extent of the labours which the commission had to perform. They had the superintendance of the whole line of road from London to Holyhead, a distance of 260 miles; they had to superintend the erection of two suspension bridges; and they had also to superintend the formation of two harbours. There were no less than twenty-five con-

tracts in operation, to which they were obliged to attend: and he maintained, that the charges were as moderate as, from the nature of the work, they could be. No grant had been made for the main line of road through Wales during the last two years; and, in his opinion, 30,000*l.* was not too much for insuring a proper communication between England and Ireland.

Mr. *Calcraft* could not understand, when they voted public money for a public purpose, how the bill for the appropriation of that public money could be called a private bill. The consequence of so treating it was, that they paid this enormous per centage on their own grants. Bills of this particular description ought not to be considered as private, but as public bills. He observed one extraordinary item in these accounts; namely, 107 mile stones, at 6*l.* per stone. Now, in the country in which he lived, the commissioners of roads could purchase as personable a mile-stone as could be seen in any other part of the country for 1*l.* It did appear to him, that when the public money was to be laid out, every thing was done in the most profuse and extravagant way. He could conceive no reason why the mile-stones on the Shrewsbury road should be so exceedingly expensive.

Sir *H. Parnell* said, there was scarcely a stone in the neighbourhood fit for a mile-stone. The consequence was, that they had to be carried from a distance of forty or fifty miles. The money voted was laid out as economically as possible.

Mr. *Calcraft* said, he merely meant to lay it down as a general principle, that public money was more profusely spent than private money. He was glad to find that the present instance formed an exception to the rule. With respect to the mile-stones, he knew not how they could cost so much, unless they travelled in mail-coaches.

Sir *John Newport* was of opinion, that, whenever public money was voted for a public purpose, the act of parliament relating to it was a public, and not a private act.

Mr. *V. Fitzgerald* said, the bill in question provided not only for the expenditure of public money for a public purpose, but contained provisions which interfered with private rights. The House could not, therefore, have proceeded by means of a public act, without depriving individuals whose private rights were concerned, of those safeguards which they enjoyed under the regulations by which private bills were governed. Besides, as the original act was a private act, it was necessary that the act to amend it should also be a private measure. No blame could therefore be attached either to the solicitor or the commissioners. The hon. gentleman bore testimony to the zeal with which sir H. Parnell had attended to these great works, and concluded by describing them as highly worthy the approbation of parliament and of the country.

The resolution was agreed to.

EMIGRATION FROM IRELAND TO THE CANADAS.] On the resolution, "That 30,000*l.* be granted, for facilitating Emigration from the South of Ireland to the Canadas, for the year 1825,"

Mr. *Hume* hoped, that the vote would not be brought forward that night, as the attendance of members was so thin. He should resist the proposal in every way.

Mr. *Wilmot Horton* could not consent to the delay, as he knew of no more convenient opportunity of discussing the subject. He adverted to the vote of 1823, for the purpose of conveying persons from the south of Ireland to the Cape of Good Hope, and observed, that the object was one of national importance that could not be so well effected in any other manner. He did not mean to bind himself to any particular plan of emigration; but he was prepared to show, that the principles on which it rested were sound, although improvements upon some points might be suggested and adopted. The error of past emigration had been, that people were sent out, and when they arrived at their destination, they had not the means of procuring subsistence; but the purpose now was, to place the settlers in such a situation as to enable them to support themselves by their own industry. Government had received the most flattering accounts of the success which had attended the present system so late as up to last February. Under these circumstances, he felt justified in proposing the present vote. The undertaking was in the nature of an experiment, which might, in its operation, effect a partial benefit to Ireland.

Mr. *Grattan* complained, that no account had been given of the result of the proceedings on this subject in the last year. As far as any thing was known, it seemed that the experiment, as far as re-

lated to Canada, had not answered. In his view, it became the House to pause, not only until ministers brought forward such information as they possessed, but until it was seen whether, from any change in the situation of Ireland, such a course as that now recommended was necessary.

Mr. *V. Fitzgerald* supported the proposition, believing that it would be equally beneficial to Ireland and Canada.

Mr. *Abercromby* thought, that the introduction of the present question was in itself a decisive proof of the bad system of government existing in Ireland. Instead of considering whether means could not be discovered to give sufficient employment to the labouring classes, so as to enable them to live upon the fruits of their industry, the House was now to be engaged in a discussion upon the best means of transporting them to another country. However, if the people were to emigrate, he was opposed to the principle of government taking the whole expense of the emigration upon itself; as he thought it would be amply sufficient, if those who intended to emigrate, simply received assistance from the government, instead of being sent out by it.

Mr. *Wilmot Horton* defended the grant, which he described to be only of an experimental kind. Its objects were to be pursued in the most economical manner; and he should therefore be happy to receive from any gentleman a suggestion of a practical nature, by which the expense could be diminished, though he believed that could hardly be done.

Mr. *Bright* approved of the principle of colonization, but complained of the expense at which it had been attempted to be carried into effect. He believed that some reductions could be made in that expense; although the hon. gentleman seemed to believe that impossible. He thought the House had better examine whether there was not a more advantageous mode of disposing of the surplus population of Ireland, than by sending them abroad. He should oppose the grant now; not absolutely, but conditionally, until a committee had been appointed to investigate the subject, and to report thereon to the House; and, among other things, to state whether, in their opinion, a grant of 30,000*l.* was not more than sufficient for the purpose.

Mr. *S. Rice* expressed his thanks to the government for having taken up this subject. Emigration was an experiment which had been tried, and had failed; and now it was asked to try the same experiment again, without knowing how far it was instrumental in the intended object. Formerly, the peasantry of Ireland looked on this system of emigration as only a genteel mode of transportation; but now they were anxious to emigrate to any place where they could find an honest mode of subsistence.

Mr. *M. Fitzgerald* was disposed to continue the experiment of emigration; and should give his hearty consent to the proposed grant.

Mr. *Hume* wished to know, if these colonists were sent out, whether they were likewise to be provided with capital to trade upon? Before making the grant, the House ought to have full evidence on the subject. He was credibly informed, that eighteen out of every twenty emigrants that went to Upper Canada, passed on to the United States. Therefore, until accounts should be received from Canada, he should oppose the grant. At present, he looked upon it as a most wanton piece of extravagance.

Mr. *J. Smith* supported the grant. He would vote the sum of 30,000*l.* to send a given number of Irish peasants to the Canadas, on the simple ground, that he should thereby be rescuing that number of persons from hopeless misery. His sentiments might be found fault with; but he should at least have the consolation of feeling, that he had rendered a number of his fellow-subjects happy for life.

Mr. *Hutchinson* agreed with the hon. member for Midhurst, that this vote was calculated to relieve a small portion of the population of Ireland. If his majesty's government, however, conceived that this measure would afford any substantial relief to the miseries of that country, they grossly deceived themselves. It was not by promoting any scheme of emigration, but by uniting the people of Ireland, and finding employment for its population, that effectual relief could be afforded.

The *Chancellor of the Exchequer* said, that if the proposition for a committee were meant as a substitute for the present vote, he should certainly oppose it. He had no objection, however, to refer the general question of emigration from Ireland on a large scale, to a specific committee; as the committee on the general state of Ireland might be too much occupied with other subjects to embrace that particular question.

Mr. *Trant* supported the motion. He should not have done so, however, but for the pledge of a committee to take the question of emigration into consideration.

The resolution was agreed to.

HOUSE OF LORDS.

Monday, April 18.

Roman Catholic Claims.] The Archbishop of *Canterbury* presented a petition against these claims from the archdeacon and clergy of the diocese of Canterbury, the language of which, his grace stated to be temperate and guarded. Many observations had been made on the petitions addressed by the clergy to the House; but, as an assertion had gone forth, that the clergy had changed their opinions respecting the danger of granting emancipation to the Catholics, he thought that they were fully justified in coming forward with petitions, as they had done.

The Bishop of *Norwich*, in presenting two petitions against these claims, said, that he continued to dissent from the opinions which they expressed, but that their language was proper and temperate.

Lord *Calthorpe* said, he was sorry, for the sake of the clergy, to see all these petitions, and to see such a spirit of hostility manifested to the Catholics. He was not, however, disposed to make any objections to receiving the petitions. He thought that both Houses of parliament should lend a willing ear to petitions from every class of persons; more particularly their lordships, who, not being dependent on the people for their parliamentary existence, should take care to show that they were not averse to listen to the wishes of the community, to whose opinion even their lordships must be ultimately amenable. The petitions which were presented to their lordships, he would contend, from what he recollected of former occasions, when any great question agitated the public mind, and when petitions poured in from all the great portions of the community, did not speak the general sense of the public. They were, he thought, petitions got up by the influence of the clergy. There had been, since the notice of the measure was given in the other House, an excellent opportunity for petitioning. The assizes had been held; but had their lordships received one petition from a grand jury? Was there a single petition from any one county meeting? Was there a petition from any of those great manufacturing or commercial towns, the inhabitants of which were rapidly increasing in wealth, and growing still faster in knowledge and liberality? If there had been one it was an exception; and certainly there were no petitions from those great, wealthy, and intelligent bodies of men to whom the legislature were accustomed to listen. The petitions presented to their lordships did not represent the opinion and feelings of the people; and he was sorry to see the clergy thus isolated from the great body of enlightened people. If the measure introduced into the other House should be rejected by their lordships, he knew it would be rejected by the majority in a conscientious discharge of their duty; but he must still assert, that if so lamentable a decision should be come to, it would be in opposition to public opinion, and in defiance of public feeling. He would say this, from seeing no petition from any of those great, opulent, and enlightened bodies to whose representations the legislature were accustomed to defer. If the bill should be lost—and he thought it should not be called a bill for granting concessions to the Catholics, but for enabling the Protestant church to seat itself in the hearts and feelings of the people of Ireland—he should regret it, as tending to weaken that church, and as perpetuating the spirit of hostility with which the church was now regarded, and which prevented it from being received with that cordiality, particularly in Ireland, which it deserved from its own merits.

The Bishop of *Chester* presented several petitions to the same effect. He would take that opportunity of reminding the noble lord, that he had presented a petition a few nights before, which was signed by upwards of 8,000 persons.

Lord *Holland* remarked, that most of these petitions were got up by the clergy stimulating the people.

The Bishop of *Chester* said, that the clergy had abstained from calling any public meetings, and from stimulating the people. He had been asked, whether or not the clergy should petition? And he had replied, "petition by all means, but take no steps to excite the people." He knew that this advice had been acted on in his diocese; for a delegation of Protestant dissenters had applied to the clergy to call a county meeting, and they had refused.

Lord *King* would just trouble their lordships by referring to one petition; or rather to one line of one petition. His lordship then read an extract from a petition stating, "that the Jews had been subjected to severe punishments for seventy years for associating with idolators, and holding this up as a warning to this nation against mingling with or encouraging Catholic idolatry." The petition, containing this remarkable sentiment, was from the archdeacon and clergy of Leicester.

Ordered to lie on the table.

HOUSE OF COMMONS.

Monday, April 18.

ROMAN CATHOLIC CLAIMS.] Numerous petitions were presented both for and against the Roman Catholic Claims.

Colonel *Archdall* presented a petition from the Protestants of the county of Fermanagh, against any further concessions to the Catholics. The gallant officer denied that the feeling of the Protestants of Ireland was changed on the question. They were now, as on all former occasions, adverse to the policy of what was called Catholic emancipation.

Mr. *Denis Browne* said, he had the honour to reside in a very large county (Mayo), where a most respectable Protestant proprietary resided; and he could assure the House, that, at a recent public meeting which he attended, it was expressly decided, that there would not be either peace or prosperity, until Catholic emancipation was carried into effect by legislative enactment.

Mr. Secretary *Peel* said, he held in his hand a number of similar petitions; some from the clergy, some from persons not connected with the clergy, and others from dissenting congregations, both here and in Scotland. Though called on to present these petitions, he had no knowledge of the parties. He had acted on the principle he before professed, of not attempting to influence, in any way, the sentiments of any class of petitioners on this subject. The petitions were entirely unsuggested by him, and were the voluntary expressions of the opinions of those who signed them. He, in no instance, had held any communication with the parties until the petitions had been agreed to. He received letters requesting that he would present them to the House; and his answer was, that if they were couched in respectful language he could have no objection to do so.

Sir *T. Lethbridge*, in presenting several petitions of a similar nature, said he did not know the parties from whom they came. He had received letters requesting that he would offer them to the House, and he thought it his duty to do so. The reasons and arguments which they contained appeared to him unanswerable. He wished to take that opportunity of retracting the charge of apathy which he had brought against the country upon a former occasion. That sort of feeling had been now raised among the people against any further concession of the Catholics, which he trusted would excite a similar spirit in the House. It was his firm opinion, that it was the feeling of the great majority of the population of this country, that no further concessions should be made to the Catholics.

Lord *Nugent* rose, to present three petitions in favour of the Catholic Claims. He had intended to present to the House that evening, the general petition of the Roman Catholics of England and Scotland, in favour of the bill for conceding to the Catholics those rights, which they so justly claimed; but he thought it would be more respectful to the petitioners and to the House, if he postponed the presentation of the petition until to-morrow, when the entire subject would be brought under their consideration.

Mr. *Brougham* said, he held in his hand a petition from certain inhabitants of great and little Bolton, in the county of Lancaster, in favour of the bill now before the House, for relieving the Roman Catholics from the disqualifications under which they at present laboured. The petitioners were of opinion, and in that opinion he entirely coincided, that it was equally impolitic and unjust to inflict civil disabilities on any body of men, because they adhered to a particular mode of religious belief. In presenting this petition to the House, he would take the liberty of stating the opinion which he had before expressed in that place, an opinion which he had always held, and always would hold; namely, that all tests, and all civil qualifications, respecting disabilities to hold particular situations on account of religious belief, ought to be removed. He spoke not of the Roman Catholics merely. He was of opinion, that the pure doctrine of religious toleration ought to be extended to all sects, as well as to

Roman Catholics. Why did he wish this? Because he felt that a man was no more answerable for the tenets which he espoused in religion, than he was for any peculiarity in his physical or mental constitution, over which he had no control. To adopt a different maxim—to inflict punishment on men because they adhered to certain religious opinions, was, in fact, to make them hypocrites; for, however interest might induce them to submit to tests and forms, those religious opinions which were long rivetted in their minds they would still retain. This was human nature; and it was vain in such a case to impose tests, which never could interfere with deeply-rooted opinions, however the latter might, for the moment, appear to give way before the feelings of self-interest. Cherishing these sentiments, it was with feelings of pain, sorrow, and, he would say, of bitter disappointment, that he had listened to the opinions which had been advanced, by a few persons certainly, on this subject. He knew that the right hon. gentleman opposite (Mr. Peel) had merited the confidence which those individuals reposed in him by the sincerity of his opposition to the Catholic claims. He also knew that the hon. member for Somersetshire (sir T. Lethbridge) likewise deserved the confidence of all who resisted further concessions to the Catholics, because he had, with perfect consistency, opposed their claims upon every occasion. By pursuing this course, they unquestionably were entitled to the confidence of those bodies whose petitions they had presented. But, he did feel very great sorrow, and, he would add, some degree of shame, when he looked to the quarter whence some of those petitions emanated. That the petitions brought forward by the hon. member for Kent should darken their doors, and load their table, was not at all surprising. Those petitions were signed by the archdeacons and the deacons of Canterbury; by the clergy of the established church; and by some few of the laity. This was quite regular; there was nothing extraordinary in it. But, there was a class of persons whose signatures he was ashamed to see affixed to petitions of a similar tendency. He alluded to that most respected class of men, the dissenters of this kingdom. If there were one class of men more than another bound to petition in favour of the Roman Catholics, that class was the dissenters. Those honourable persons—for so he would denominate them—were, he supposed, sensible that they themselves laboured under disabilities; and he hoped, as discussion was what they wished—as discussion on the subject of religious disabilities was always on their lips—as they called on that House to extend a little tolerance and liberality towards them in matters of conscience—he trusted, he said, that a little more of that discussion, which they so much admired, would have the effect of altering their opinions, ere long, with respect to the question of Catholic emancipation. He hoped that discussion would ultimately remind them how grievously inconsistent was the conduct pursued by them. Did they forget that they held offices, and all the offices which they were capable of holding under government, by connivance? Why were they thus situated? Because the religion which they professed was not the religion of the state. Therefore it was, that an annual indemnity bill was passed, in the absence of which all of them who held office were liable to penalties by law. Why, then, should they, who themselves laboured under disabilities, raise their voices against those who were placed in a similar situation? Why should they not wish the same kind of liberal tolerance to be extended towards others, which they demanded for themselves? The doors of office in the state, great and small, were shut against the dissenters, but, they got over this difficulty by the annual indemnity bill. And yet, labouring under those disabilities, they called on the legislature to continue the disabilities of the Roman Catholics. He recollected that James 2nd (a name which no doubt would be associated with this question) was addressed by the Quakers, on the occasion of his accession to the throne, in these terms:—"We hear that thou no more agreest with the established church of this land than we do ourselves; for the which reason, we expect that thou wilt extend that toleration to us, which thou thyself standest in need of." Now, he would apply to the dissenters (for whom he had a greater reverence and respect than for any sovereign) the words of the Quakers. He would say to those dissenters who had placed their petition in the hands of the right hon. Secretary of State for the Home Department, and of the hon. baronet, that they ought to admit the Roman Catholics to a participation in those rights which they were themselves

struggling for. The dissenters differed upon almost every point, upon almost every subject, from those to whom they had intrusted their petitions; but, pro hac vice, they came forward to oppose the Roman Catholics. Well might the Roman Catholics say, "We, like yourselves, are oppressed by disabilities: and we hope that you will bear with us, as the state bears with you—that you will allow us a little of that toleration, so great an abundance of which you enjoy, but none of which is extended to us." Some of the petitions to which he had referred, came from Scotland, upon which he would say a word presently. Presbyterianism was the chief religion of Scotland, and several Presbyterians were members of that House. Now, he asked, how would his Scotch friends of that religious persuasion feel if the doors of all offices, great and small, were shut in their faces? They had, however, enjoyed the most considerable offices in the country, which was contrary to law; but that objection was met by the indemnity act. There had been two lord chancellors, there had been chief justices of the court of King's-bench, and the court of Common Pleas, who were known to profess this religious belief; but, if the same measure had been dealt out to them which was dealt out to the Roman Catholics, they never could have arrived at those honours. The law, which he must call a most savage one, provided, that all those who accepted of situations of this nature, should receive the sacrament of the church of England; those dissenters who abhorred that form, were required to have the sacrament administered to them; but, by the indemnity act they got over that difficulty, and were enabled to hold office, without violating their feelings. This was an act which enabled the government to procure the assistance of very able men. It was, no doubt, useful to the country, and was not, he hoped, at all disagreeable to those who took advantage of its provisions. A little more discussion would, he conceived, place this matter in so clear a light, that they would have no more anti-Catholic petitions from the dissenters. There were some millions of dissenters in this country: but a few of them had signed petitions of this nature; few, however, as they were, they were all too many, considering the glaring inconsistency of conduct which such a proceeding manifested. No man living had a greater respect for the dissenters than he had. He knew them to be friends to civil liberty; he knew them to be friends to the dissemination of knowledge, and the diffusion of education; and he hoped to find them all, henceforth, the sincere friends to the most extended religious liberty. If it were not for the respect he bore them, he would not have trespassed so much upon the time of the House; but, what he had thrown out was intended as a friendly, and he trusted it would be received as a kindly admonition, by those to whom it was addressed.

Mr. Secretary *Peel* said, he wished to offer a remark or two in defence of the conduct of those whose petitions he had presented. One of those petitions—that from Bolton—was signed by nearly 10,000 persons, comprising almost the whole of the dissenters of that neighbourhood. Now, for his own part, he saw no inconsistency in the conduct of Protestant dissenters when they approached that House, and petitioned against granting any further concessions to the Roman Catholics, because those dissenters were protected by the annual indemnity act. That circumstance did not alter the state of the question. They had a right to petition against the concession of privileges to those whose religious doctrines they disliked, because they conceived them dangerous. The petitions of the dissenters were couched in the most respectful terms. The petitioners declared, that they felt no hostility against the Roman Catholics, but that they were actuated solely by religious scruples. They felt that the doctrines maintained by the Catholic church were further removed from their own, than the doctrines maintained by the church of England; and surely they had a right to approach that House with petitions against granting additional privileges to a body of whose intolerance all past history, most amply informed them. If the bill now before the House were passed, it would not alter the law relative to taking the sacramental test; but as might be inferred from what the learned gentleman had said, if it were intended to make that bill the first step towards repealing all laws which respected the necessity of taking particular tests, on account of religious opinions, he believed he might reckon on the opposition to the bill, of many persons who had intended to support it.

Mr. *Brougham* wished to say a word in explanation. He hoped he should be un-

derstood as not referring, in the observations he had made, to the bill now before the House. He spoke merely his own opinion. He was hostile to all tests; and his declaration on that subject was nothing more than his own individual sentiment. What the right hon. gentleman had just said, bore out the statement which he (Mr. B.) had made. This bill would leave the sacramental test untouched; and the result was, that the Roman Catholic and the dissenter would be placed on the same footing. Why, then, should the dissenter petition the legislature not to place the Catholic in as good a situation as that which he himself occupied?

Mr. *W. Smith* expressed his belief, that the great body of dissenters were, as he was, favourable to the claims of the Catholics. He was glad that this conversation had taken place; because it would tend to do away a very mistaken opinion, which prevailed in that House, and throughout the country at large; namely, that because an indemnity bill was annually passed, the dissenters laboured under no disability, disqualification, or reproach. He felt that they laboured under all these; and, when the proper occasion arrived, he would shew it. A Roman Catholic in approaching that House, or in holding office, would not have to encounter greater difficulties than were opposed to the dissenter.

Mr. *Abercromby* said, that the conduct of the dissenters in petitioning against the Catholic claims, was totally irreconcilable with any notion which he could form of consistency. He had, indisputably, a great respect for the dissenters. They were a very enlightened class of men. He could not, however, bring himself to view their proceedings with approbation and respect; on the contrary, he looked at them with every possible feeling of suspicion, when he found them opposing the claims of the Roman Catholics. Why should they, of all other persons, evince hostility to the rights of the Catholics? Why should they come forward for relief in their own case? Why should they come before the House and demand a full participation in all civil rights, when they said—"We will not grant relief to others?" How could he reconcile himself to the belief that the principles avowed by the dissenters—the principles of religious liberty—were to be supported by their strengthening the arguments by which, to-morrow, the right hon. Secretary for the Home Department would oppose the Catholic claims—those claims turning altogether on freedom of opinion in religious matters? If gentlemen looked at the public press, they would find many of those papers which were most favourable to the dissenters, saying, "the measures now before the House are all wrong." And why wrong? Because "they are exclusive; because they do not include the dissenters." If they were intended for the Catholics and the dissenters at the same moment, then he supposed all would be well. But, as this was not the case, a jealousy was excited against the Roman Catholics, and these petitions were the fruit of it. This was a course of conduct incompatible with any idea which he had of common sense. He could not understand how the dissenters could come forward and pray for the continuance towards the Roman Catholics, of a system which they wished to have abrogated with respect to themselves. If he were to be guided by his feelings, and not by his reason, he should, when the dissenters called for a repeal of the Test act (such was the impression their conduct in opposing the Roman Catholics had made on his mind), oppose the motion. Whenever such a motion was made, he would undoubtedly vote for it from principle. Whatever was the conduct of those who took part against the Catholics, the great body of dissenters should not suffer for that conduct; inconsistent as it was with their general professions. They should have his vote, as if not one of their body had ever pursued such a line of conduct. On principle, he would vote in favour of the repeal of the test act: but, as he before said, were he to follow the dictates of feeling, and not of reason, he would vote against it.

Mr. *Brougham* repeated, that he meant to say nothing disrespectful of the dissenters. There were, he believed, six millions of them; and if some of them differed from the great body, and differed from their own avowed principles, it was a matter which he could not but lament. He was sorry, when those individuals found the church at a pinch for a cry of "No Popery!" that they were induced, he feared under a delusion, to step forward at that critical juncture for the purpose of raising it. He would state to the dissenters now present, if any such there were, that they most egregiously deceived themselves, if they thought the church of England would, in return, do any thing for them.

He thought he knew the church—he spoke of the high church: he did not mean to class all its members together; and he was sure the dissenters who came forward with these petitions knew little of that establishment if they thought that, in the hour of need, their conduct on this occasion would stand in their stead. The church would not repay their services in the way they imagined. If he knew any thing of that body, they would accept the assistance of the dissenters, but they would give them no advantage in return. The dissenters might come to them and say, "Don't you remember on the 19th of April, 1825, when you were in the greatest distress for a 'No Popery' cry—when the Solicitor-general was in despair—when every body, even the hon. member for Somersetshire, complained of the apathy of the people—that we came forward, and gave you a few drops of alarm, a few crumbs of comfort, in the shape of ominous forebodings; and will you not now assist us in getting rid of our disabilities?" How would this appeal be received? The question would be—"What did you come forward for? Did you not come forward according to your conscientious belief that danger was to be apprehended? Were you not really alarmed? Certainly you were; and you came forward not to assist us, but to help yourselves. You have a monopoly of toleration. You have got into a snug birth yourselves, and all you wished for was to retain it. We have become enlightened on this subject ourselves; and we think it very inconsistent for you, the dissenters, to have acted as you did. For us it was the best thing that ever was done. You performed the work, and we despise you heartily for it; but, as to our assisting you, we are astonished how such an idea could ever have entered your minds." [hear, hear]. He might be allowed here to observe, and it was an axiom as true as any that was to be found in the "Principia," that the odium theologicum operated in an inverse ratio to the approximation of opinion amongst different Christian sects—a principle which undoubtedly applied to the established church. The nearer those sects approached, the more they hated each other—and, when the shade of difference was very indistinct indeed, as between a Dissenter and a Protestant, the parties hated one another to a degree of pure bitterness. If the dissenters hoped to receive any benefit by showing how near they were to the church, they deceived themselves. The nearer they proved themselves to be, the more would they be hated. He hoped the hon. member for Norwich would state to the dissenters, that such was the doctrine of the church. They would find that, if they hoped to accelerate the repeal of the Test act by these petitions, they had taken a most unwise and a most unprofitable course. He would vote for the repeal of that act a hundred times over in justice to the claims of the dissenters; but he must condemn the conduct of those amongst them, who attempted to interfere with the rights of the Roman Catholics.

The *Solicitor General* begged leave to say, that the first thing he had done when he offered himself for Oxford, was to declare that, on every occasion, he would follow his own unbiassed opinion. He would not vote in any particular manner, because he was member for that place; but he would act according to the dictates of his own mind.

Ordered to lie on the table.

SCOTCH JURORS BILL.] On the order of the day for the second reading of this bill,

Mr. *Kennedy* said, he could not suffer this bill to be read a second time without a comment. He had himself often before proposed the very measure which was now about to be adopted; but he had always done so unsuccessfully. He did not mean to oppose the progress of the bill; on the contrary, he hailed its appearance, most sincerely glad to see it come from any quarter. He could not, however, fail to remark the inconsistency of the learned lord opposite, who had so frequently opposed the measure, which, on that learned lord's own introduction, was now about to be carried. The bill afforded him great satisfaction, because he believed it would be productive of benefit to Scotland. He therefore gave it his cordial support.

Mr. *Hume* said, he had always thought that it was improper to reserve special juries for the civil courts alone, and to employ common juries to try persons charged with having committed crimes. Such a course seemed to him to be making too light of human life; and he was therefore heartily glad that the system was now to receive some alteration. He thought that the qualifications of special jurors might be simplified with great advantage to the public; and he trusted

that something would soon be done for that purpose. Great credit was due to his hon. friend (Mr. Kennedy) whose exertions had led to the introduction of this measure.

The *Lord Advocate* said, that the main object of the bill was, to provide an impartial jury for all cases which should come on to be tried. With reference to the various classes of society, and the interests which were connected with them, it would be obviously impossible to do away with the difference between common and special juries; and, while that difference should exist, the suggestion of the hon. gentleman was wholly impracticable. He claimed, on behalf of the persons by whom this bill had been prepared, credit for the fair and honest manner in which it was brought forward.

Mr. *Abercromby* said, that the credit of this measure, whatever it might be—and he was disposed to think very highly of it—belonged wholly to his hon. friend (Mr. Kennedy). His hon. friend, when he first proposed it, was called a dangerous innovator; and yet now the Lord Advocate was found to go much further than his hon. friend had intended. He was not disposed to say one word in opposition to the bill; but he wished that the people of Scotland might learn from the circumstances that attended it, this lesson—that if they would persevere in a good cause, without being alarmed either by the denunciation of the learned lord, or of those members who were supposed to represent the interests of the landholders of Scotland, they must ultimately succeed. He had no doubt that very great benefits would result to Scotland from the present bill; and he was convinced, besides, that the people of Scotland knew they would be indebted for all those benefits to his hon. friend.

The bill was then read a second time.

ADDENDUM.

UNLAWFUL SOCIETIES IN IRELAND BILL.] *The following Report of Mr. Dawson's Speech in the House of Commons on the 14th of February, on Mr. Goulburn's Motion for leave to bring in a "Bill to amend certain Acts relating to Unlawful Societies in Ireland" will be found more correct than the one given at p. 357.*

Mr. *Dawson* said, that, after the long discussion which the motion of his right hon. friend had undergone, he thought it neither decorous nor necessary to detain the House very long with the expression of his opinion; he was anxious, however, to explain the reasons of his vote, and he should endeavour to do so as concisely as possible, by avoiding an unnecessary allusion to the general question of Catholic emancipation. In the many eloquent speeches which had preceded him, at least one half of the time had been consumed in discussing, not the conduct or effect of the Catholic Association, but the merits of the Catholic question, and in the same proportion that reason and argument have been wanting to support the opposition to his right hon. friend's motion, so appeals to the passions, and the powers of imagination, have been applied to excite the feelings and divert the judgment from its proper subject. He should abstain, therefore, from following such examples, and should confine himself to this observation with respect to the Catholic question, that every passing event, and every proceeding of the Catholics, confirmed him still more strongly in the opinion which he had always maintained. That a further concession to their claims is incompatible with the safety of our constitution.

With respect to the question before the House, it seems to him that no man who understands the Irish character, that no man who has read the history of Ireland with common attention, that no man who has watched the progress of events in that country for the last thirty years, can conscientiously stand up and support associasions of any kind whatsoever. From the earliest period associations have been the curse of Ireland. In no country has the division of the inhabitants been so marked, so decided, so indelible, as in Ireland. The division between the Irish and the English has descended, under various denominations, through seven centuries; party has followed party, faction has followed faction, and the whole history of the country, which unfortunately presents one continued series of blood, massacre, and misery, is an ample illustration of the danger of ungovernable parties; besides the character of an Irishman, is of all others, the least suited for such a trial. Rash and impetuous in his passions, he obeys only the impulse of the moment; his natural susceptibility lays him open to the power of any demagogue who makes the strongest appeal to his imagination; his actions follow the impulse of this feeling, and if reflection comes at all, it is only from the bitter fruit of disappointment and defeat. It is to him, therefore, a source of the greatest satisfaction, that it has been resolved to check this evil by putting down all kinds of associations; all kinds, because, though the Catholic Association was the most dangerous, the most mischievous, and the most unconstitutional, which has ever been begot in that country, yet the cure will be incomplete unless the spirit of Association be rooted out altogether. Let any man consider for a moment the character of popular assemblies in Ireland, and, with but one exception, he will find the result invariably the same, namely, ruin and destruction to the actors, disgrace and infamy to the country. The only exception to this miserable catalogue, is the Convention of the volunteers in 1782. That assembly, without doubt, accomplished great and glorious deeds, and deserves the gratitude of every friend of his country, and of liberty; but the national restlessness was nearly breaking forth even in this assembly, and a civil war between the volunteers and the parliament was prevented only by the firmness and prudence of lord Charlemont, who determined to withdraw himself from the convention after it had obtained the first object for which it was constituted. The convention followed his prudent advice, and

it dissolved itself just at the critical time when the volunteers on one side, and the government on the other, were prepared for a contest to decide the question of parliamentary reform. But with this exception, the history of every popular assembly in Ireland is tragical and disgraceful. What was the result of the Catholic Committee in 1793? What was the result of the Society of United Irishmen in 1796 and 7? A most bloody rebellion; a rebellion that laid waste the country from the north to the south, ruined thousands of families, and reduced the kingdom to the lowest state of misery and degradation. What was the result of the Catholic Board in 1812 and 1813; almost a continued interruption of the public tranquillity from that time to this. The most violent exasperation of one party against the other. The consequent effects of that exasperation, a servile war, robbery, murder, and assassination, accompanied with the necessary preventions, namely, Peace Preservation acts, Suspension of the Habeas Corpus, Constabulary acts and Insurrection acts. This, Sir, is the history of all popular assemblies in Ireland; but he should leave the catalogue unfinished, if, in the list of popular assemblies, he omitted to mention the name of the Irish parliament. Let any man look at the extraordinary acts of this body of the collective wisdom of the country, 24 or 25 folio volumes of statutes, in which human ingenuity seems stretched to the utmost point to find out what is not suited to the circumstances of the country, to multiply law upon law without care for their present execution, without foresight for their future effect. Look at the constant character of these legislators, corrupt and venal jobbers, the ready tools of every minister, ready to sell themselves and their country to the highest bidder; but, Sir, thank God, this parliament is annihilated, and better days have already begun to dawn upon Ireland from its connection with this country. It seemed, therefore, upon a general principle, that no man who is a friend to the peace or character of his country, can object to a law which puts down political associations of every kind whatsoever. The motives which bind these Associations together, can make no difference in the decision of the legislature, all must be put down to ensure the tranquillity of the country; and though he should always maintain that there is the greatest difference between the principles and conduct of the Orangemen and the Catholics, yet he would never become the advocate of compelling one party to submit, and allowing the other party to escape from the operation of a general law, which was necessary for the peace of the country. If he could be so blind to the principles of common justice, he could not be insensible to this plain truth, that one association begets another, and that the strongest argument against the existence of Orange Lodges arises from the encouragement which they afford to the continuance of the Catholic Association. He thought, therefore, that he acted consistently in voting for a law which puts down, not only the turbulent and seditious efforts of the Catholic Association to disturb the peace of the country, but which prevents the misguided loyalty of the Protestant from any exuberant display of its devotion; but he could not admire the consistency of the hon. gentlemen opposite, who vote for the immediate annihilation of every Orange lodge, without the proof of any charge except the oath of secresy, and yet oppose the extinction of the Catholic Association, whose acts no man yet has been bold enough to justify. The complacency and levity with which this inconsistent conduct is justified, is almost ridiculous. Who can forget the parade and pomp with which the hon. and learned gentleman, the member for Calne (Mr. Abercromby), introduced his motion to put down Orange lodges? Who can forget the violent speeches, and the opprobrious epithets which were used against every person connected with the Orange party? Who can forget the shouts of triumph which followed the discovery of the hon. member for Waterford (sir J. Newport) that the members of an Orange lodge subscribed three-pence each to buy pens and paper, in order to record the proceedings of the evening? But, Sir, these arguments were successful, and every well-wisher of his country consented to join in crushing the Orange lodges. But, what is their conduct now? In the speech from the throne, a distinct recommendation is given to heal the evils of Ireland by pulling down all kinds of associations. It is distinctly proved, that the Catholic Association has assumed a form inconsistent with the principles of the constitution; that it usurps the functions of government; that it exacerbates party hatred; that it interferes with the

administration of justice; that it calumniates the character of every respectable man in the country; that it paralyzes the magistracy; that it keeps the people, through the instrumentality of the priests, in a state of servile vassalage, ready to obey their orders however dangerous; and that it levies a tax upon the people, to be converted to their own mischievous purposes, no matter what they are. All this is proved; is as evident as the sun at noon day; and yet the hon. gentlemen refuse to check the career of this dangerous association. They still continue to hurl their anathemas against Orange lodges, when, in fact, there are no Orange lodges in existence; at least he would state for the satisfaction of the hon. member for Wicklow, who seems to think Derry the focus of all Orangeism, that there are no Orange lodges in that city; they still continue to laud the peaceable, mild, and tranquillizing conduct of the leaders of the Catholic Association, and to condemn lord O'Neil for not abandoning his political principles. They justify Mr. O'Connell and others for driving their country almost into a state of rebellion by their inflammatory speeches; but they can find no excuse for lord O'Neil's continuing stedfast to the principles of his family. Can any man blame lord O'Neil for seeking protection in the times of peril through which we have passed? Can any man blame him for wishing to know who are his friends, and who are his foes? His father found himself deceived in the appeal which he made to the humanity of a neighbouring dependant. He found kindness forgotten, and all the kindly feelings of nature destroyed by the poison of political hatred; and can we, or ought we, to blame the son who seeks only to know those to whom he can trust?

But his objection to the Catholic Association was founded upon much stronger reasons than upon an objection in principle to associations. It appeared to him to be the most dangerous and most mischievous body which has ever been suffered to exist in Ireland. Its proceedings, the speeches of its members, the agency of the priests, all unite to make it the most dangerous engine to work upon the passions of such a susceptible people as the Irish. It commands a paid press to circulate its poison through every part of the country, it has orators who stick at no falsehood to alienate the people from their confidence in every established institution of the country, it has associated in its labours the priesthood, who have amply repaid the expectations of the Association, by their undisguised expressions of hostility to the constitution of the empire, and by their unceasing efforts to instil the same hatred into the ignorant and infatuated peasantry. Now, Sir, many hon. gentlemen have said, that they see no harm in the proceedings of the Association, and that the speeches of their leaders, like all violent harangues, are soon forgotten. But, Sir, the Catholic Association takes care that the effect of their speeches shall not be confined to those who hear them; the auditors perhaps know their leaders too well to be much affected by their orations; but when these speeches are sent down to every little village in the country, when every institution in church and state, when the highest characters both in England and Ireland are held up to public odium, when the ecclesiastical bench, the judicial bench, the magistracy, the parliament, the laws of the land are calumniated and misrepresented, when rebels who have suffered from the offended laws of their country receive public thanks, when the people are encouraged to unite in one general system to pull down every establishment in the kingdom, these speeches are not to be judged by the character of the speakers, but by the effects which they produce upon a credulous and ignorant people. It will hardly be believed to what an extent this violence has been carried; and as he had no means of judging of the intentions of the gentlemen who deliver their sentiments in the Catholic Association but by their speeches, as he had no means of ascertaining the object of the Association but by its proceedings, he should endeavour to explain the impression which is made upon his mind by a few extracts from them.

What says the Finance report which was published in the early part of the last year, before the rent became as successful as it is at present, and 50,000 copies of which were circulated through the country:

"It exhorts the people to wait in the sullen silence of discontent for a more favourable opportunity and better organized resources, to prove to Britain and the world that we are men, and deserve to be free."—This language is plain enough, it breathes the spirit of disaffection, and of

disappointment at not having the power to carry these designs into execution. But what says Mr. O'Connell a short time afterwards, when the rent became more abundant, and when the means were daily accumulating of arming and organizing the peasantry; he says, "He would not press the introduction of the claim of arming the Roman Catholics, for if he did, it might be supposed that they were going to proclaim war at once." Now, Sir, this sounds very ridiculous in this House, but I should like to ask what is the effect produced upon the mind of a Catholic peasant in Kerry by this language? Does it not prepare him, aye and every Catholic peasant in Ireland, to expect that some great design is in agitation, and does it not prepare him to put into execution another favourite exclamation of the same gentleman, "Hereditary bondsmen, know ye not, who would be free, themselves must strike the blow." This may be called figurative language, the exuberance of eloquence, of a heated imagination, and so forth; but the Catholic peasant sees in it good practical matter, and would not be sorry to have it brought to the test of experience. He could read many other passages in the same strain, but it is enough that such sentiments are uttered, and circulated with assiduity among the people, to convince any one that the assembly from which they emanate is most dangerous and unconstitutional.

And what, Sir, is the language of the Association in reviewing the conduct of such members of either House of parliament, as venture to express any sentiment unfavourable to the Catholics; all courtesy, all moderation is abandoned, and the liberty of speaking our thoughts is represented as the highest crime against the majority of the Catholic people; one gentleman (Mr. Shiell) says, that "if the British legislature require the degradation of a whole people for the enjoyment of its advantages, that it is the asylum of intolerance," and so on. When lord Redesdale states in the House of Lords that he shall freely give his opinion upon the Catholic question, and shall not be deterred by the fact, that his assassination was preached from the altar by a priest in Dublin, the Association immediately decree that the assertion is calumnious, and not only calumnious, but an assassinating calumny. His royal highness the duke of York exposed himself also to the assaults of the Catholic Association, by his observations on the Catholic claims. He is represented in a report from the Association, which was to be circulated throughout the country, as an enemy to the Irish people; and when one gentleman wished to have the expression softened, Mr. O'Connell refused, declared that it was just, and that the heir apparent ought not to forget that there was once a duke of York who lost his crown and kingdom. Another orator observed, "that by the public expression of their sentiments, the duke of York might be induced to alter his opinion, as far as related to the Catholics of Ireland, but that his was a life of no service."

This, Sir, is the tone in which they speak of the parliament; these are the sentiments which they circulate through every part of the country; he allowed, indeed, that such assertions are contemptible, but is it safe, is it just, to allow a slanderous faction to disseminate their poison among a deluded and credulous peasantry?

The same hostility pursues every member of the Established Church, wherever an effort has been made to counteract the objections of the Catholic Association. The archbishops, bishops, and clergy of all descriptions, are involved in a general anathema; they are held up to accusation, as plunderers by the Catholic Association, and they are denounced as usurpers by the Roman Catholic clergy. Every act of kindness, of charity, of duty, performed by the Protestant clergy towards the poor of their districts, has been forgotten since the establishment of the Catholic Association. During the severe season of distress in the West of Ireland, in the year 1822, the archbishop of Tuam, who with true charity exerted himself for the relief of the poor, received the following address from Dr. Kelly, the Roman Catholic archbishop of the diocese:—

"Resolved, That the judicious, efficient and unwearied exertions of his grace the archbishop of Tuam, in the causes of charity, call forth our warmest sentiments of admiration, and we now beg to offer him the humble tribute of our sincere gratitude, hoping that his benignity of character, and his active and well-directed beneficence (qualities worthy of our emulation), may long continue to shed their influence over us.

OLIVER KELLY."

At this time, there was no Catholic

Association; but last year under the baneful influence of their body, which infects and poisons every thing that comes in contact with it, the Roman Catholic clergy of the same diocese published an atrocious and infamous resolution, accusing the archbishop of having introduced a party of military, with drawn swords, for the purpose of intimidating, and perhaps massacreing the Roman Catholic clergyman, insiduously invited to a meeting.

But, Sir, not satisfied with every indignity that can be offered personally to the highest dignitaries of the Church; the leader of the Association, at its very last meeting, gave to a people, already through the agency of their priests worked up to the highest state of fanatical hatred against the members of the Established Church, the humane hint of massacreing them by wholesale. At the last meeting, Mr. O'Connell said, "Scotland did not exhibit the patience and self-control of Ireland, nor patiently suffer herself to be trampled on, while her oppressors rode by in triumph. She hewed down with the sword of the Lord the archbishops and bishops, and when the force of the British arms became too strong for her people, they retired to their mountains, and after renovating their vigour they returned to carry desolation to the very dwelling of their assailants."

Now, Sir, does such language as this require any comment? To whom is it addressed? not to the Association, but to the Roman Catholic peasantry, the most ignorant, the most deluded peasantry in the world, and unfortunately the most ready tools for any work of blood.

The same observations apply to those who are intrusted with the administration of justice. The chancellor, the judges, the magistrates, all come in for their share of abuse. There is an exception, indeed, in favour of those who are known to entertain opinions favourable to the Catholic cause; but the honest and conscientious assertion of an adverse opinion, no matter how amiable in private and how pure in public life the individual may be, is sufficient to have him represented by the Catholic press, in every cabin in Ireland, as a tyrant and a despot. In speaking of the chancellor of Ireland, Mr. O'Connell says that "the chancellorship of lord Manners, and the Attorney-generalship of Mr. Saurin, tended to degrade the dignity and sully the independence of a bar, which had given a tone to the public feeling of Ireland." Sir, the bar of Ireland rejects the hypocritical compliment; the dignified characters who have adorned it, the judges Burton, Jebb, Bush and Pennefather, find more honour in being associated with such men as lord Manners and Mr. Saurin, than in all the hypocritical cant of the Catholic Association.

Again, Sir, what is their language respecting the magistracy? that "the administration of justice in Ireland is corrupted at its very source; that a simple despotism weighs with an equality of pressure upon every class of the community; that the sense of masterdom mingles itself in the ordinary familiarities of life, and that the administration of justice is partial, vindictive, and unjust." Sir, if any one of these assertions were true, the laws would afford an ample remedy to the party aggrieved. But redress is not the object of the Catholic Association; it is more to their purpose to instil these dangerous falsehoods into the minds of the peasantry, and to prepare them, by undermining their confidence in every establishment, for deeds of aggression whenever they shall be proposed.

But, Sir, besides the speeches of the leaders, we may infer, from the proceedings of the Association, what great respect is entertained for the laws of the country. On the 24th of November, a Mr. Devereux and Mr. Hamilton Rowan were both admitted as members of the Association, and the announcement of their names was received with thunders of applause. The reason of this enthusiastic admiration is curious enough. Mr. Devereux was announced to be the almost only surviving delegate to the Catholic committee in 1793, and he was admitted immediately by Mr. O'Connell, as a matter of course, in that capacity: in other words, he was admitted because he belonged to an assembly which was declared to be illegal, and which was put down by law. The case of Mr. Hamilton Rowan was more notorious: and here he begged to express his regret at being obliged to renew the recollection of events long passed, and which certainly would have been buried in oblivion, so far as he was concerned, except for the indiscretion of the individuals themselves: they, not he, must be responsible for raking up the records of ancient and troublesome times. But Mr. Hamilton Rowan has made himself too notorious to be passed over in silence: he was secretary

to the Society of United Irishmen; was actually convicted of sedition, and whilst in prison he was attainted of high treason. His associate in treason, the Rev. Mr. Jackson, was tried and convicted, but put an end to his life in prison. Mr. Rowan was more fortunate; for he escaped from prison, and suffered exile for many years from Ireland. After a long lapse, he was allowed to return to his native home by the indulgence of the government; and the best reward he can make for this clemency, is by becoming a member of an Association as dangerous and unconstitutionalas that of the United Irishmen; and what is still more remarkable, and tending to show the spirit of the Catholic Association, the accession of this attainted traitor is received with thunders of applause; and in the address presented to him, direct allusion is made to those circumstances of his life in which he plotted against the peace and laws of his country, as deserving of the applause and gratitude of his Roman Catholic fellow countrymen.

Now it is impossible to mark proceedings of this kind, without contemplating the result of these transactions. Why is every violent sentiment applauded? why is every dangerous man received as an useful ally? why is such publicity given to these mischievous sentiments? The object is plain; it is to alienate the people from their attachment to their rulers, to disgust them with the laws, and to prepare them for the overthrow of the Protestant religion.

But much as he condemned the existence of the Catholic Association, he thought it would be comparatively innocent in its operation, if it was not for the agency of the Roman Catholic priesthood. To the conduct of the priesthood he attributed most part of the evils which had desolated Ireland for so long a period: he regretted to be obliged to make this avowal, but these were times when the truth must be told, and when a delicate forbearance may prove an everlasting injury to the country. It was his misfortune to differ entirely from his right hon. friend below him, the Attorney-general for Ireland, in his opinion of the priesthood. In their conduct during the last five or six years, he had seen very little to approve of, but a great deal to condemn; and he could view their alliance with the Catholic association in no other light than as the first step towards the attainment of their grand object, the overthrow of the Protestant church, and the ascendancy of the Catholic religion in Ireland. Their prelates could no longer refrain from expressing their anticipation of this long-wished-for feast. Dr. Curtis, the titular primate of Ireland, informs the archbishop of Dublin, that he is an usurper, that he holds his archiepiscopal chair by sufferance, and that he is no more entitled to it, than he is to the dukedom of Leeds. Dr. Doyle says, in his letter to Mr. Robertson, a member of this House, "that the whole body of the Catholics is impatient, that disaffection must be working within them, that the ministers of the establishment are and will be detested, that if a rebellion were raging from Carrickfergus to Cape Clear, no sentence of excommunication would be fulminated by a Catholic prelate, and that the Catholics possessed of property in Ireland will not renderany efficient services to the government, should eventful times occur; that from such men the government has only to expect defiance, and open hostility." Another priest, a Mr. L'Estrange, declares, "it ought not to be expected that the Catholic clergy, who have a divine right, were bound to meet men not dignified with the same exalted character: perhaps all the gentlemen present [this was uttered in the Catholic Association] were not aware, that they, the Roman Catholic clergy, deny any character whatever to the bishops, or other clergy of the Protestant church."

This is the denunciation of the Catholic clergy; it is fulminated from the altar, it is reported to the Association, it is read in every cabin in Ireland, as a useful lesson to the rising generation to cultivate obedience and resignation to the established laws of the country. But it is said that we are indebted for the present tranquillity to the Catholic clergy: he really believed so, but he believed also, that we are indebted for the late disorders to the same persons. He recollected in a trial which took place in the county of Cork, before Mr. Blacker, who presided as king's counsel under the Insurrection act, that Mr. Blacker asked a Catholic priest if he was aware of the disturbed state of his parish. The priest, with considerable reluctance, confessed that he was aware of it; and being pressed by Mr. Blacker, he allowed that no plot could be in agitation without his knowledge, and moreover, that every priest in Ireland must be aware of what was going on, if he did his duty. He recollected

also that a priest of the name of O'Sullivan saw a man murdered before his face, and refused to give evidence against the murderer, because, if he did so, he would lose his influence with his parishioners; he thought himself justified, therefore, in saying, that the priests contributed to the continuance of the disorders which prevailed during the last four years, by not coming forward to co-operate with the gentry of the country for their extinction. If the tranquillity of Ireland is now owing to their exhortations, the disturbances of 1820, of 1821, of 1822, and 1823, were owing to their want of exhortation. The influence of the priest over the Irish peasant is well known. By the terrors of the church he can frighten him into good or evil habits, and the extraordinary and fanatical devotion of the wretched peasant, in giving the miserable pittance which he had destined to cover his own nakedness, or to feed his starving children, to give it, at the orders of the priest, to the Catholic Association, is a strong proof how much good might be effected by them, if the inclination was as strong to do good as it is to do evil.

In a letter from Mr. Duggan, the parish priest of Kilrush, published in the proceedings of the Catholic Association, he says, "Many of them (his parishioners) have sworn to appropriate the whole of the corn-crop to the payment of the rent, no matter what other creditors may be justly entitled to, or even the wants of nature may imperiously demand." Who but a person of the most perverted understanding could encourage such a practice; what clergyman of real morality would recommend the withholding of a just payment, in order to provide for some undefined object; what man of real morality would recommend robbery to encourage sedition. Another priest, a Mr. Kelly of Mallow, advises his parishioners to contribute largely, because money is the sinew of war, and because the Catholic rent will supply the Association with those sinews, whenever the proper occasion shall present itself. Hundreds of examples of a similar kind might be adduced, to shew the disposition of the Catholic priesthood; and in every public occurrence the mischiefs of their disastrous influence might be traced. Who is it that is employed to sow distrust between the clergyman and his parishioners;—the priests. Who is it that bursts without remorse all the ties of connexion between the landlord and the tenant?—the priest. Who leads on contending parties at elections, and in addition to political animosity, throws on the fuel of religious hatred; who impedes the course of education, and blasts the efforts of the most benevolent individuals for the civilization of their tenantry?—It is the priest. In every situation, in every character, the priest appears as a foe, unless the object to be obtained conduces to the advancement of his own power; and what is the object of the priesthood in thus standing aloof from any intermixture with the Protestants?—It is to establish their own church upon the ruins of the Protestant establishment; this is his dream by night, and his thought by day; for this he leagues himself with the Catholic Association; for this he employs his influence over the people, to devote their money and their persons to the command of that imperious body. If such a state of things is suffered to exist, there can be but one result, a contest between the two parties; and, unless the government is supported by parliament, to extinguish the Association, the Association, with the priesthood, will soon extinguish the government [hear, hear!].

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